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15

PATHWAYS TO JUVENILE DETENTION REFORM

DETENTION REFORM  
IN **RURAL**  
JURISDICTIONS:

challenges and opportunities

*by Richard A. Mendel*

*About the Author:*

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## SERIES PREFACE

**M**any years ago, Jim Casey, a founder and longtime CEO of UPS, observed that his least prepared and least effective employees were those unfortunate individuals who, for various reasons, had spent much of their youth in institutions or who had been passed through multiple foster care placements. When his success in business enabled him and his siblings to establish a philanthropy (named in honor of their mother, Annie E. Casey), Mr. Casey focused his charitable work on improving the circumstances of disadvantaged children, in particular by increasing their chances of being raised in stable, nurturing family settings. His insight about what kids need to become healthy, productive citizens helps to explain the Casey Foundation's historical commitment to juvenile justice reform. Over the past two decades, we have organized and funded a series of projects aimed at safely minimizing populations in juvenile correctional facilities through fairer, better informed system policies and practices and the use of effective community-based alternatives.

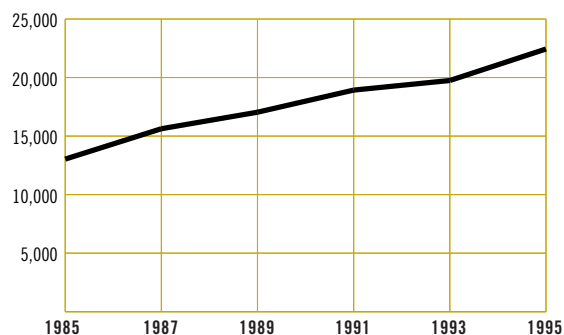
In December 1992, the Annie E. Casey Foundation launched a multi-year, multi-site project known as the Juvenile Detention Alternatives Initiative (JDAI). JDAI's purpose was straightforward: to demonstrate that jurisdictions can establish more effective and efficient systems to accomplish the purposes of juvenile detention. The initiative was inspired by work that we had previously funded in Broward County, Florida, where an extremely crowded, dangerous, and costly detention operation had been radically transformed. Broward County's experience demonstrated that interagency collaboration and data-driven policies and programs could reduce the numbers of kids behind bars without sacrificing public safety or court appearance rates.

Our decision to invest millions of dollars and vast amounts of staff time in JDAI was not solely the result of Broward County's successful pilot endeavors, however. It was also stimulated by data that revealed a rapidly emerging national crisis in juvenile detention. From 1985 to 1995, the number of youth held in secure detention nationwide increased by 72 percent (*see Figure A*). This increase

might be understandable if the youth in custody were primarily violent offenders for whom no reasonable alternative could be found. But other data (see *Figure B*) reveal that less than one-third of the youth in secure custody (in a one-day snapshot in 1995) were charged with violent acts. In fact, far more kids in this one-day count were held for status offenses (and related court order violations) and failures to comply with conditions of supervision than for dangerous delinquent behavior. Disturbingly, the increases in the numbers of juveniles held in secure detention facilities were severely disproportionate across races. In 1985, approximately 56 percent of youth in detention on a given day were white, while 44 percent were minority youth. By 1995, those numbers were reversed (see *Figure C*), a consequence of greatly increased detention rates for African American and Hispanic youth over this 10-year period.<sup>1</sup>

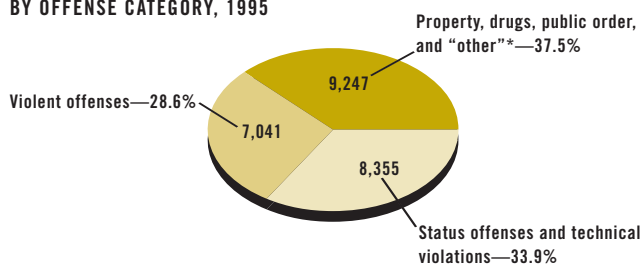
As juvenile detention utilization escalated nationally, crowded facilities became the norm rather than the exception. The number of facilities

FIGURE A  
AVERAGE DAILY POPULATION OF JUVENILES IN U.S. PUBLIC DETENTION CENTERS, 1985-1995



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

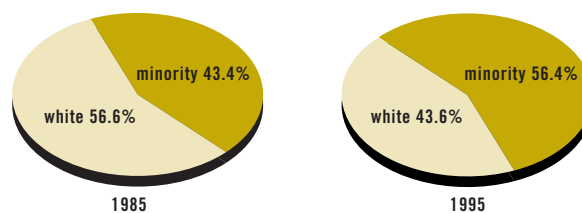
FIGURE B  
ONE-DAY COUNTS IN DETENTION FACILITIES BY OFFENSE CATEGORY, 1995



\*Examples of "other" include alcohol and technical violations.

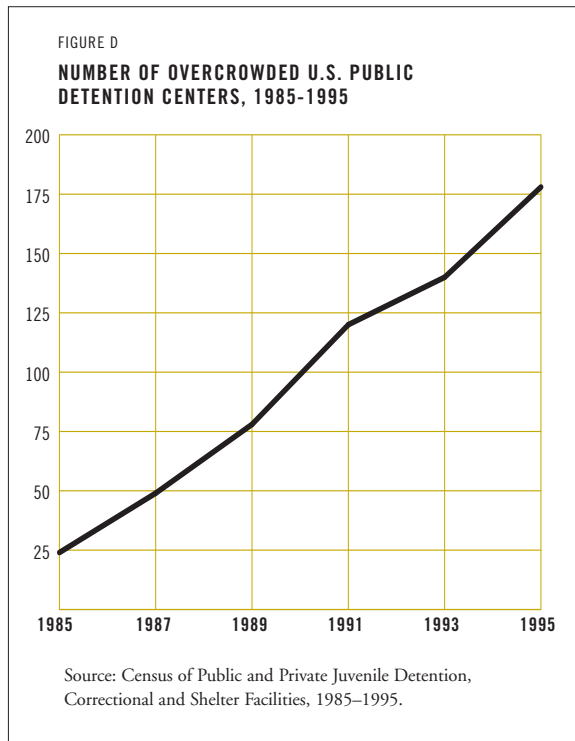
Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

FIGURE C  
JUVENILES IN PUBLIC DETENTION CENTERS BY MINORITY STATUS, 1985-1995



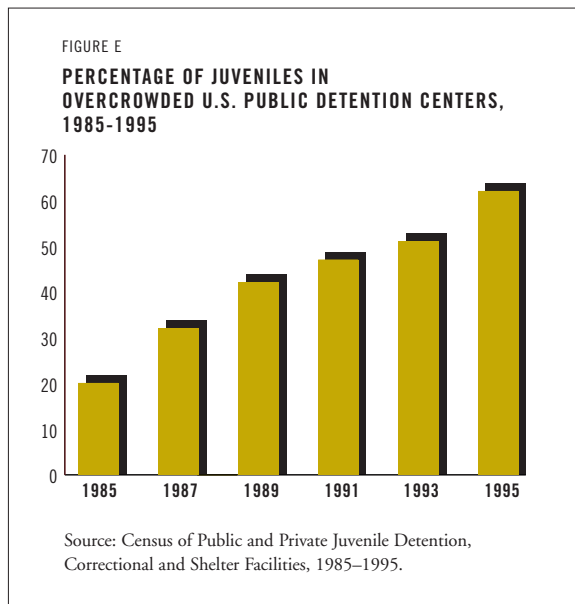
Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

operating above their rated capacities rose by 642 percent, from 24 to 178, between 1985 and 1995 (see Figure D), and the percentage of youth held in overcrowded



detention centers rose from 20 percent to 62 percent during the same decade (see Figure E). In 1994, almost 320,000 juveniles entered overcrowded facilities compared to 61,000 a decade earlier.

Crowding is not a housekeeping problem that simply requires facility administrators to put extra mattresses in day rooms when it's time for lights out. Years of research and court cases have concluded that overcrowding produces unsafe, unhealthy conditions for both detainees and staff. A recently published report by staff of the National Juvenile Detention Association and the Youth Law Center summarizes crowding's impact:



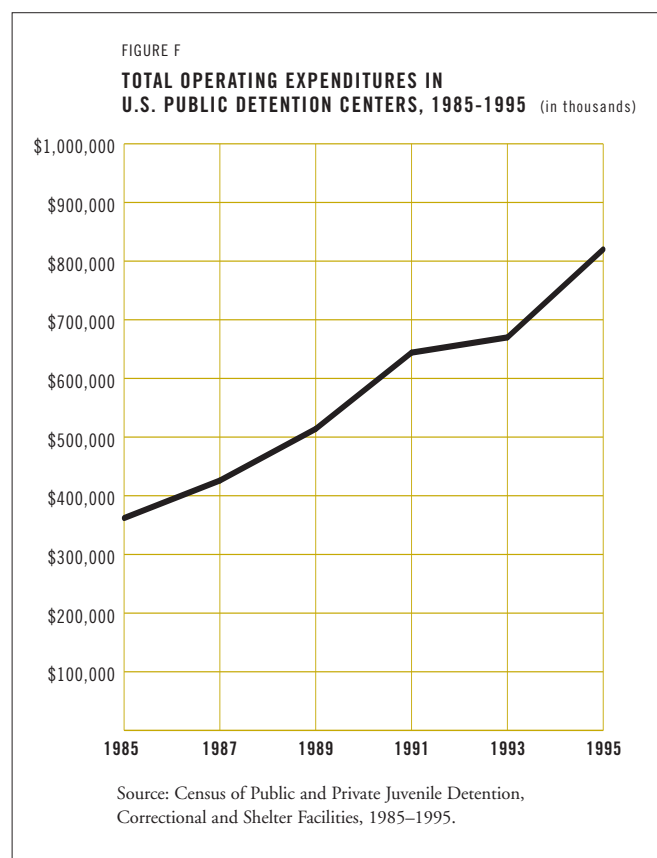
*Crowding affects every aspect of institutional life, from the provision of basic services such as food and bathroom access to programming, recreation, and education. It stretches existing medical and mental health resources and, at the same time, produces more mental health and medical crises. Crowding places additional stress on the physical plant (heating, plumbing, air circulation) and makes it more difficult to maintain cleaning, laundry, and meal preparation. When staffing ratios fail to keep pace with population, the incidence of violence and suicidal behavior rises. In crowded facilities, staff invariably resort to increased control measures such as lock-downs and mechanical restraints.<sup>2</sup>*

Crowding also puts additional financial pressure on an already expensive public service. Operating costs for public detention centers more than doubled between 1985 and 1995, from \$362 million to almost \$820 million (see Figure F). Some of these increased operating expenses are no doubt due to emergencies, overtime, and other unbudgeted costs that result from crowding.

JDAI was developed as an alternative to these trends, as a demonstration that jurisdictions could control their detention destinies. The initiative had four objectives:

- to eliminate the inappropriate or unnecessary use of secure detention;
- to minimize failures to appear and the incidence of delinquent behavior;
- to redirect public finances from building new facility capacity to responsible alternative strategies; and
- to improve conditions in secure detention facilities.

To accomplish these objectives, participating sites pursued a set of strategies to change detention policies and practices. The first strategy was *collaboration*, the coming together of disparate juvenile justice system stakeholders and other potential partners (like schools, community groups, the mental health system) to confer, share information, develop systemwide policies, and promote accountability. Collaboration was also essential for sites to build a consensus about the limited purposes of secure detention. Consistent with professional standards and most statutes, they agreed that secure detention should be used only *to ensure that alleged delinquents appear in court at the proper times and to protect the community by minimizing serious delinquent acts while their cases are being processed.*



Armed with a clearer sense of purpose, the sites then examined their systems' operations, using objective data to clarify problems and dilemmas and to suggest solutions. They changed how admissions decisions were made (to ensure that only high-risk youth were held), how cases were processed (particularly to reduce lengths of stay in secure detention), and created new alternatives to detention programs (so that the system had more options). Each site's detention facility was carefully inspected and deficiencies were corrected so that confined youth were held in constitutionally required conditions. Efforts to reduce disproportionate minority confinement and to handle "special" detention cases (e.g., probation violations or warrants) were also undertaken.

In practice, these reforms proved far more difficult to implement than they are now to write about. We began JDAI with five sites: Cook County, IL; Milwaukee County, WI; Multnomah County, OR; New York City; and Sacramento County, CA. Just about when implementation activities were to begin, a dramatic shift occurred in the nation's juvenile justice policy environment. High-profile cases, such as the killing of several tourists in Florida, coupled with reports of significantly increased juvenile violence, spurred both media coverage and new legislation antithetical to JDAI's notion that some youth might be "inappropriately or unnecessarily" detained. This shift in public opinion complicated matters in virtually all of the sites. Political will for the reform strategies diminished as candidates tried to prove they were tougher on juvenile crime than their opponents. Administrators became reluctant to introduce changes that might be perceived as "soft" on delinquents. Legislation was enacted that drove detention use up in several places. Still, most of the sites persevered.

At the end of 1998, three of the original sites—Cook, Multnomah, and Sacramento Counties—remained JDAI participants. Each had implemented a complex array of detention system strategies. Each could claim that they had fundamentally transformed their system. Their experiences, in general, and the particular strategies that they implemented to make their detention systems smarter, fairer, more efficient, and more effective, offer a unique learning laboratory for policymakers and practitioners who want to improve this critical component of



the juvenile justice system. To capture their innovations and the lessons they learned, we have produced this series of publications—*Pathways to Juvenile Detention Reform*. The original series included 13 monographs, most of which cover a key component of detention reform. As this work matures and expands, additional *Pathways* are being added to the series. A list of currently available titles in the *Pathways* series is provided at the end of this publication.

In 2000, the National Council on Crime and Delinquency (NCCD) completed its evaluation of the project. NCCD’s analyses confirmed that sites had reduced reliance on secure detention without increasing rearrest or failure-to-appear rates, despite the harsh policy environment that drove detention utilization up nationally.<sup>3</sup>

For taking on these difficult challenges, and for sharing both their successes and their failures, the participants in the JDAI sites deserve sincere thanks. At a time when kids are often disproportionately blamed for many of society’s problems, these individuals were willing to demonstrate that adults should and could make important changes in their own behavior to respond more effectively to juvenile crime.

*Bart Lubow*  
*Senior Associate and Initiative Manager*  
*The Annie E. Casey Foundation*

## PREFACE UPDATE

Approximately nine years have passed since the publication of the original volumes of *Pathways to Juvenile Detention Reform*. These intervening years in juvenile justice have seen both extraordinary progress and, regrettably, the discouraging repetition of decades-old problems.

On the positive side, the innovations piloted by the original sites have been replicated by numerous jurisdictions, making the Juvenile Detention Alternatives Initiative (JDAI) one of the nation's most influential reform efforts in decades. As this preface update is written, JDAI is being implemented in approximately 80 jurisdictions in 20 states and the District of Columbia.

Why has detention reform spread so widely and successfully throughout the nation's juvenile justice systems? First and foremost, JDAI sites have achieved impressive results. As Figure G reveals, JDAI "model" sites have dramatically reduced reliance on detention *and* improved public safety outcomes, dispelling one of the system's great myths—that locking up significantly fewer youth would unleash a juvenile crime wave. These sites also saved their jurisdictions millions of dollars, either by avoiding new construction and related operating costs or, in a growing number of instances, by closing unoccupied units and redeploying the dollars previously appropriated for operations to other programmatic efforts (*see Figure H*).

The results achieved by the JDAI model sites stimulated interest in other jurisdictions. And, because of the pioneering work of these early detention reform sites and the practical examples they provided, many replication sites have achieved similarly impressive results relatively quickly. Success breeds success; consequently, a national detention reform movement began to emerge and continues to grow (*see Figure I*).

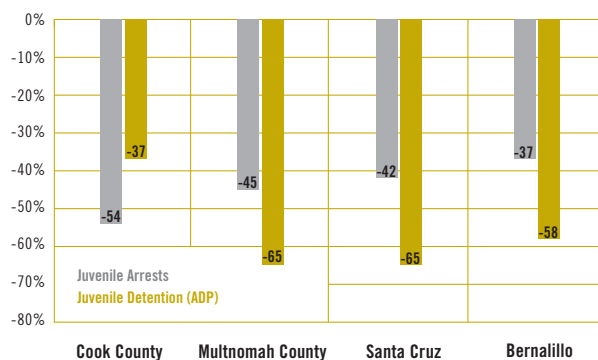
The second reason why JDAI has expanded so broadly is the robust infrastructure of supports for juvenile detention reform that has been created. In addition to the model sites (which graciously serve as learning laboratories for other jurisdictions) and this still-growing Pathways series, JDAI replication sites and the field in general have benefited from a variety of new resources, including policy

and practice guides that summarize innovations and provide do-it-yourself guidance on key topics for system personnel and their community allies.

Another exciting new support service now available is the JDAI Help Desk, an online resource that includes hundreds of detention reform documents—screening instruments, sample policies and procedures, program descriptions, research reports—useful to those seeking to establish a smarter, fairer, and more efficient detention system. The Help Desk, which is operated by the Pretrial Justice Institute, also offers timely individualized feedback to questions posed by practitioners, policymakers, and other interested visitors to the site. *Pathways'* readers are encouraged to check out the Help Desk at [www.jdaihelpdesk.org](http://www.jdaihelpdesk.org).

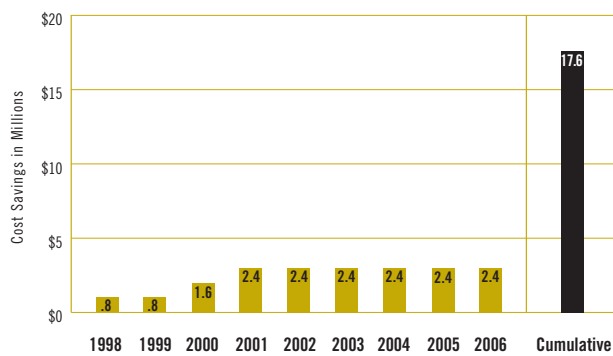
A third reason for JDAI's extensive replication is its impact on other aspects of juvenile justice policy and practice. When we began JDAI in 1992, and even through the early stages of replication, sites were drawn to the work primarily because their local detention facilities were crowded and they faced difficult dilemmas, like investing millions of taxpayer dollars in additional secure beds or defending themselves in lawsuits over unconstitutional conditions of confinement. JDAI effectively demonstrated that jurisdictions have more options than these, ones that enable them to safely reduce

FIGURE G  
JUVENILE CRIME REDUCED AND DETENTION REDUCED  
IN JDAI MODEL SITES



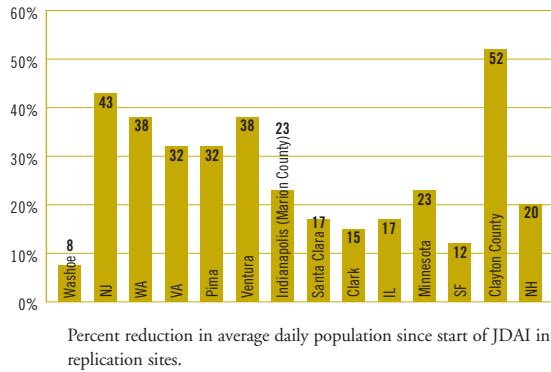
\*\*Note: crime declines are juvenile felony arrests in Santa Cruz (1996–2005) and Multnomah for (1994–2000); juvenile violent arrests in Cook (1993–2000); and juvenile arrests in Bernalillo (1999–2006). Detention declines occurred during the following timeframes in: Multnomah (1995–2002), Cook (1996–2002), Santa Cruz (1997–2005), and Bernalillo (1999–2004).

FIGURE H  
JDAI MODEL SITE MULTNOMAH COUNTY REDEPLOYS  
\$17.6 MILLION DOLLARS



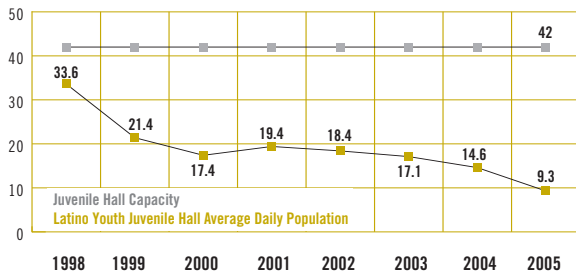
Source: Multnomah County, Oregon, *JDAI Results Report*, 2006.

**FIGURE I**  
**ALMOST ALL JDAI REPLICATION SITES REDUCED AVERAGE DAILY POPULATIONS IN DETENTION**



- 24 of 26 grant-funded sites reported reductions in average daily population in secure detention.
- On average, sites reduced their ADP by 27%.
- Across all JDAI sites, the overall reduction in ADP of youth of color was 25%.
- Every site reported sustained or, in the vast majority of sites, improved public safety results.

**FIGURE J**  
**LATINO YOUTH AVERAGE DAILY POPULATION REDUCTIONS IN SANTA CRUZ COUNTY**



Source: Santa Cruz County Comprehensive Multi-Agency Juvenile Justice Plan Update.

reliance on secure detention. But JDAI also demonstrated that a myriad of other juvenile justice ills can be attacked through detention reform, including chronic racial disparities and unnecessary reliance on out-of-home commitments at the dispositional stage of delinquency proceedings.

In the past six years, a number of sites have implemented JDAI because of detention reform’s documented impact on what was historically referred to as DMC—disproportionate minority confinement. Early JDAI sites like Multnomah County, Oregon, and Santa Cruz County, California, produced the nation’s first empirical evidence that racial disparities in juvenile justice could be significantly reduced (*see Figures J and K*). In contrast to almost two decades of failed efforts nationally, these examples were beacons of hope to many jurisdictions, inspiring interest in detention reform regardless of whether their detention centers were crowded.

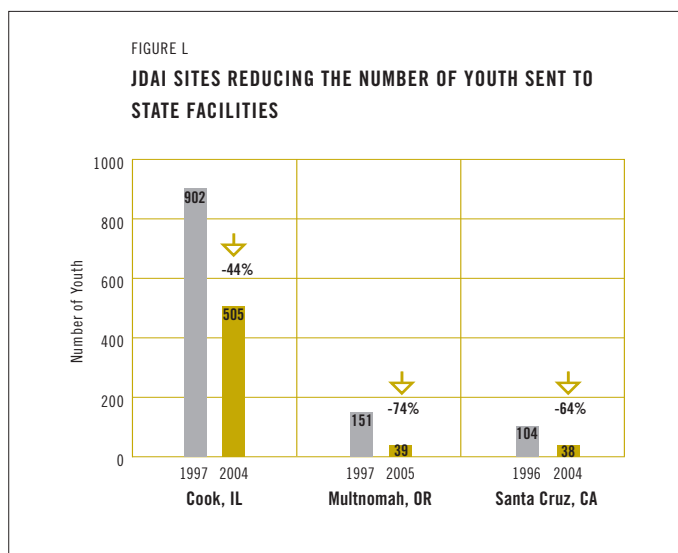
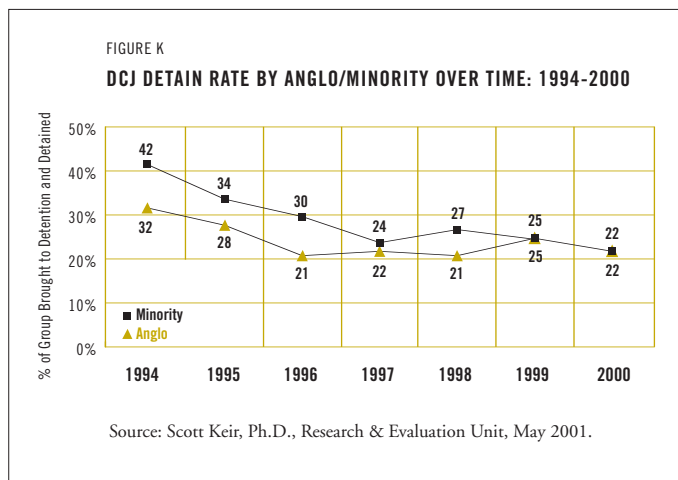
Other sites have embraced detention reform simply because they recognized that the values, policies,

and practices that effective detention reform requires can have an overall transformative effect on their systems. *Pathway 14, Beyond Detention*, is devoted completely to documenting the ways in which detention reforms stimulate

or support a broad array of other juvenile justice improvements, including novel approaches to engaging youth and parents, increased use of evidence-based programs, and reduced reliance on out-of-home placements (see *Figure L*).

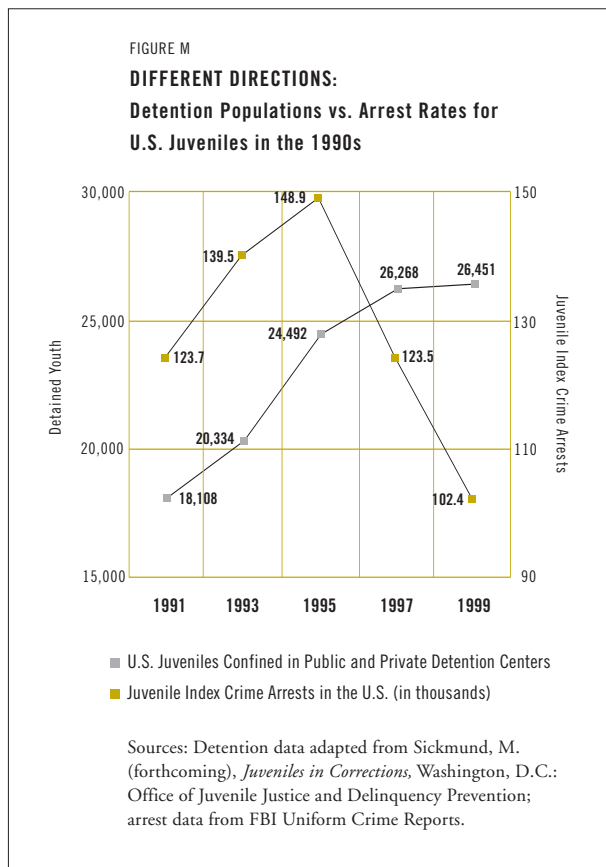
But despite JDAI's growing influence, juvenile detention centers in the United States continue to be filled with youth who pose minimal risks and whose confinement is a function of policy and practice choices that should not and need not result in the deprivation of liberty. The continued inappropriate and unnecessary reliance on secure detention in many places is underscored by statistics that show that the average daily population in secure detention nationally has not decreased even though arrests of juveniles for serious crimes dropped precipitously

in the past decade (see *Figure M*). Why? For one thing, detention centers have become the dumping ground for high-need youth who ought to be served in other systems, but who have been referred instead to the juvenile court and detention centers. School-based zero tolerance policies and practices are one of the primary forces driving these trends, with many jurisdictions now reporting that a sizable percentage—in some instances, a majority—of court referrals originated in schools, many for minor misbehaviors that previously were the responsibility of the education system. Similarly, the weaknesses of the nation's community mental



health systems continue to propel many youth into detention even though meaningful treatment in these facilities remains but a sad illusion.

Bad as it is, the inappropriate or unnecessary use of secure detention is cause for concern well beyond the sometimes excessive, sometimes arbitrary exercise



of power by adults frustrated or angered by misbehaving children. Sometimes, the results of such use are horribly tragic. Over the past few years, lawsuits over unconstitutional conditions, child abuse scandals, arrests of facility staff, and even deaths of confined youth, have become increasingly commonplace in secure juvenile facilities throughout the country. Numerous state and county facilities have been investigated by the U.S. Department of Justice's Civil Rights Division and, in most instances, the offending jurisdictions have agreed to make extensive changes in conditions and programming to stave off lawsuits. In other sites, scandals have rocked systems when patterns of abuse, including the sexual exploitation of confined youngsters, have been revealed. In Florida, a detained juvenile died of a ruptured appendix after being

denied medical care by institutional staff over the course of several days. In Nevada, a 14-year-old girl committed suicide in a detention center when she recognized a staff member as someone who had previously abused her. A Maryland youth recently died as a result of the inappropriate use of force by facility staff. This list of examples could go on and on... unfortunately.

These tragic circumstances and situations happen far too frequently to be written off as the regrettable byproducts of an unpleasant, but necessary, public service. Indeed, persistent and flagrant violations of human rights in juvenile detention

and corrections are simply far too common to be rationalized as the exceptions to rules of basic decency. Instead, the frequency of these abuses should make us pause to question whether the profound challenges inherent in trying to operate safe, humane (dare I add “effective”) secure juvenile facilities are actually surmountable. Over our century of experimentation with a separate system of justice for juveniles, there has been scant evidence that we can design and operate locked facilities that are safe and healthy, much less nurturing and rehabilitative. If that is true—if we cannot routinely provide environments for delinquent youth that we would be comfortable with if our own children had to be confined in them—then it behooves all juvenile justice policymakers and practitioners to redouble our efforts to minimize the use of these expensive and often counterproductive institutions.

JDAI is now perhaps the best demonstrated and most extensively documented approach available to jurisdictions determined to avoid the tragedies that result from overreliance on secure confinement. It is a comprehensive approach designed to ensure that the right kids—but only the right ones and only for the minimum amount of time necessary—are confined in locked facilities. The ever-growing list of jurisdictions that have embarked on these pathways to reform makes the strongest case for the initiative. We thank all the dedicated people in these sites for their determined and innovative leadership and their enduring commitments to improving the odds that seriously delinquent youth make successful transitions to adulthood.

*Bart Lubow*  
*Director, Program for High Risk Youth*  
*The Annie E. Casey Foundation*  
*July 2008*

## WHY FOCUS ON RURAL DETENTION REFORM?

The Juvenile Detention Alternatives Initiative cut its teeth in urban America. The inspiration for JDAI came from a detention reform initiative in Broward County (Fort Lauderdale), Florida in the late 1980s. All five of the initial JDAI pilot sites—Chicago, Milwaukee, New York, Portland (OR), and Sacramento—were also urban, as are the initiatives' most advanced and successful sites, the JDAI model sites (Portland, Chicago, Santa Cruz, and Albuquerque).

Yet, JDAI is not merely an urban phenomenon, nor should it be. Dozens of rural counties are now participating in JDAI and pursuing detention reforms.

This installment in the *Pathways to Juvenile Detention Reform* series explores the special needs of rural communities and the special challenges they face in implementing the JDAI model. It also details a variety of special techniques, tactics and strategies that can help rural areas accomplish detention reform effectively.

Why is it necessary to focus on rural detention reform? The challenge of rural detention reform requires our attention for four important reasons:

1. **A substantial share of America's youth, and a substantial share of America's delinquency problem, resides in rural communities.** According to the U.S. Census Bureau, roughly two-thirds of the more than 3,000 counties in the United States are nonmetropolitan, meaning that they do not contain a city of 50,000 or more people and do not have close social and economic linkage with a city of 50,000 or more in a neighboring county. These nonmetropolitan counties cover about three-fourths of our nation's land area, and they are home to more than 13 million children, of whom just under 5 million are between the ages of 12 and 17. Rural youth and children represent between one-fifth and one-sixth of the total U.S. population for their age cohorts. Though they grow up in a different landscape and often a different cultural milieu than children in the cities and suburbs, rural youth suffer similar emotional and behavioral problems, and they get embroiled in the juvenile justice system at similar rates.



2. **Rural areas face different and often more difficult challenges than urban and suburban communities in operating detention programs and in striving to implement detention reform.** For instance, prompt and expedited processing of juvenile cases—crucial for limiting lengths of stay in detention—can be difficult in rural counties where judges and other key personnel often juggle multiple roles and where transportation challenges make it hard to convene meetings on short notice. Likewise, some promising and popular detention alternative models may be impossible to implement in some rural areas due to limited budgets, small caseloads, transportation costs, and/or a shortage of competent community-based provider agencies.
3. **Rural jurisdictions have identified a number of innovative strategies and promising practices for addressing the special challenges of rural detention reform.** Through creative problem-solving, and through old-fashioned trial and error, innovators in rural detention reform have devised and demonstrated success with several approaches specifically tailored to the needs and challenges of rural areas. Rural jurisdictions should be aware of these approaches and consider replicating them in their local detention reform efforts. Likewise, valuable lessons have emerged about what works and doesn't work in rural detention reform.
4. **Bringing detention reform only to urban and suburban communities, and not to rural areas, would allow an unacceptable double standard in the treatment of court-involved youth.** Though rural communities may face more difficult challenges than more populous areas, and their detention reform strategies may take different forms, nothing about the JDAI model is unsuited or irrelevant to rural youth or to rural justice systems. JDAI sites are showing that the model can be adapted to rural settings. And it must be.

**Though they grow up in a different landscape and often a different cultural milieu than children in the cities and suburbs, rural youth suffer similar emotional and behavioral problems, and they get embroiled in the juvenile justice system at similar rates.**

The following chapters explore the rural detention reform challenge and present a series of promising practices and lessons learned about how to meet it.

Chapter Two spells out five principles to guide detention reform in rural areas.

Chapter Three documents the unique characteristics of rural communities and rural youth.

Chapter Four explores the challenges of place and examines the particular issues that may make rural detention reform more difficult.

Chapter Five details two particularly promising rural detention reform efforts—one in Illinois, and the other in Oregon. Both examples illustrate visionary leadership in addressing detention reform challenges and achieving success.

Chapter Six presents a number of lessons learned from implementing detention reform effectively in rural areas and spells out a number of ways in which rural counties can boost their detention reform efforts.

Finally, Chapter Seven summarizes key lessons, paying special attention to the critical role of leadership in jumpstarting, spearheading, and shepherding detention reform efforts in rural regions. Citing several examples, it makes the point that while rural communities face extra challenges in implementing the JDAI model, detention reform can be successful in rural areas. Strong local leaders are the crucial ingredient.

Rural youth, their families, and their communities all deserve a justice system that is fair and efficient; one that maximizes young people's success and minimizes wasteful practices that damage their futures and squander taxpayers' money. Effective detention programs and sound detention policies are crucial components of that system. The need for detention reform does not end at the city line.

## GUIDING PRINCIPLES FOR RURAL DETENTION REFORM

**A**s rural jurisdictions go about their efforts to pursue detention reform and replicate the JDAI model, they should be guided by five core principles above and beyond the overall tenets of the JDAI model.

1. **Rural youth need and deserve even-handed, efficient, and equitable detention services just as much as youth in urban and suburban areas.** It is crucial that we reject the notion of “rural exceptionalism”—the idea that because rural areas are different than urban and suburban communities and may have fewer resources, rural youth are entitled to a different and lesser form of justice than other youth. Smaller case flows in rural communities must not be an excuse for making detention decisions arbitrarily or subjectively. Likewise, rural youth need and deserve access to a continuum of detention alternatives, and once placed into secure detention rural youth should not be held longer than youth from cities and suburbs just because low caseloads and long distances make efficient case processing difficult—or because juvenile court is held infrequently. While delivering fair and effective juvenile detention services may be more challenging in rural areas, it is not optional. Justice is justice. Rural young people deserve no less.
2. **Experience suggests that, if stakeholders work creatively and cooperatively, rural jurisdictions typically have all the resources necessary to succeed in detention reform.** Rural jurisdictions can create an effective continuum of (secure and non-secure) detention options, ensure prompt and even-handed case processing, and accomplish the purposes of detention. Though rural communities may be constrained by budget limitations, staffing constraints, and geographic isolation, they also have valuable assets and distinct advantages in pursuing detention reform. It is far easier to foster change and institute reforms in a jurisdiction with only a handful of new juvenile cases each week, where all the key players know each other on a first name basis and understand all aspects of the local system, than it is in a jurisdiction where hundreds of youth appear

in court each week and long-entrenched court processes are more formalized and layer-bound.

3. **Rural jurisdictions can benefit greatly by joining forces and working together with neighboring counties.** Working alone, few individual rural counties have enough funding or enough staff time and expertise to undertake all the planning, assemble all the data, develop all the new policies, and fund all the new programmatic activities required to implement detention reform fully. However, rural counties can overcome these deficits by sharing resources regionally and by working closely with their state juvenile courts and corrections agencies. By sharing funding, facilities, programs, and expertise, rural counties can apportion the burdens of creating a multi-faceted juvenile justice system. In addition, working across county lines can also enable rural jurisdictions to align their detention admissions criteria with neighboring counties so that similarly situated youth are treated similarly.

**By sharing funding, facilities, programs, and expertise, rural counties can apportion the burdens of creating a multi-faceted juvenile justice system.**

4. **States can and should play important roles in encouraging and supporting rural detention reform efforts.** States can play a valuable role by convening rural county leaders, forging regional alliances, providing flexible resources, and assisting in detention reform planning efforts. States can issue clear rules limiting the use of secure detention to youth who pose substantial risks of harming public safety or not appearing in court, and states can require prompt case processing to ensure that youth do not endure long spells in detention due to needless delays. Also, states can provide training and support for local officials to pursue detention reform in rural communities, and they can make state or federal resources available to rural jurisdictions in support of new detention alternative programs and other detention reform efforts.
5. **Local leadership is a crucial ingredient for rural detention reform.** In any jurisdiction, the first step toward successful detention reform is for local leaders to take responsibility for the quality of juvenile justice in their community. This truism is especially apt in rural communities. Because rural juvenile justice

systems involve only a limited number of stakeholders and officials, and because rural communities often have a culture of cooperation and creativity in addressing community problems, a few individual leaders (or even just one) can have an enormous impact. When rural leaders, particularly judges, step up to the challenge of reforming juvenile detention practices, the process of convening key players and building consensus that might take months or years in a larger jurisdiction can proceed rapidly. Then, through hard work, perseverance, and creative problem-solving, rural leadership teams can overcome detention reform challenges even where fiscal resources are limited. A limited budget need not be a cause for inaction in rural communities: where the will is present, rural leaders can find ways to improve the juvenile justice system, public safety, and local outcomes for youth.

## KEY CHARACTERISTICS OF RURAL COMMUNITIES AND YOUTH

In order to understand why detention reform is distinct and (in some ways) more difficult to accomplish in rural communities, it is necessary first to look at rural America and distinguish what makes rural communities different—and not so different—from their urban and suburban counterparts.

### **RURAL AMERICA: Where, What, and Who**

The defining characteristic of rural communities, of course, is dispersed population. From a statistical standpoint, rural America is most often defined by what the U.S. Census Bureau terms “nonmetropolitan” areas—the 2,052 counties nationwide not part of an urbanized metropolitan area.<sup>4</sup> Roughly 700 of these nonmetropolitan counties include a town of 10,000 to 50,000 residents, while the remainder has only small towns or no towns at all.<sup>5</sup> Combined, nonmetro counties cover three-fourths of America’s land area, and they are home to about one of every six people in the nation.<sup>6</sup>

*More than farms and farmers.* Though the term “rural” is often linked in the public mind with farms and agriculture, the proportion of rural residents living and working on farms has plummeted in recent decades. Whereas 40 percent of nonmetro residents in 1950 lived on a farm, today that figure is less than 10 percent. Likewise, the share of rural workers engaged in production agriculture has plummeted from one-third in 1950 to just 14 percent today.<sup>7</sup> Nationwide, just one-fifth of nonmetro counties derive 15 percent or more of their income from the agriculture sector.<sup>8</sup>

In reality, the local economies of rural communities nationwide are extremely diverse. The U.S. Department of Agriculture’s Economic Research Service has created an economic typology of nonmetropolitan counties which shows that, in addition to the 403 counties dependent on agriculture, 585 counties are manufacturing-dependent, 222 are dependent on federal or state government (for military bases, prisons, state universities, etc.), and 113 are mining-dependent. The USDA

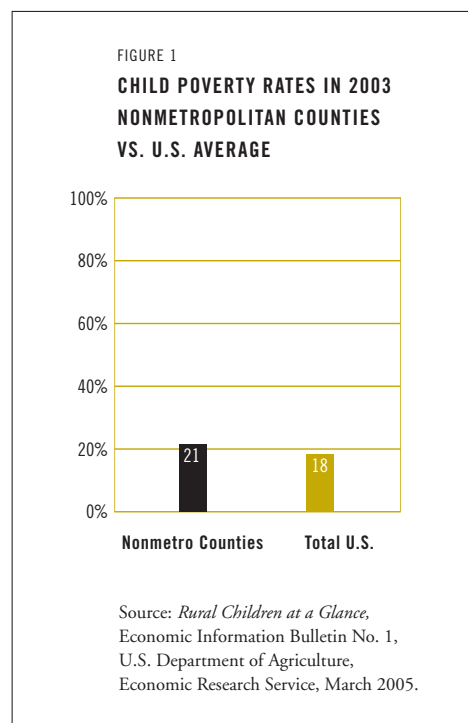
also has identified 334 nonmetro counties as recreational hubs and 277 as retirement destinations. In addition, some of the most rapidly growing nonmetropolitan counties in recent years have been those “exurban” areas adjacent to metropolitan counties.<sup>9</sup>

A troubling minority of rural counties—most of them in Appalachia, the Deep South, Native American reservations, and the Mexican border—are home to deep, persistent, and concentrated poverty. Indeed, of the 50 U.S. counties with the highest poverty rates, 48 are located in rural America.<sup>10</sup> However, rural America also includes places of extreme affluence—like Jackson Hole in Wyoming and Nantucket in Massachusetts.

Given these vast differences among rural communities, it would be misguided to paint rural America with a single paint-brush. Nonetheless, taken in aggregate it is possible to draw several distinctions about rural residents and families.

*Though rural communities tend to be less multi-ethnic than America’s cities and suburbs, they, too, are becoming more diverse.* Between 1990 and 2004, the population of Hispanics living in nonmetropolitan counties grew from 1.9 million to 3.2 million.<sup>11</sup> Hispanics accounted for one-fourth of all rural population growth from 1990 to 2000 and nearly half of the rural population growth from 2000 to 2005.<sup>12</sup> This influx of Hispanics is especially important for juvenile justice systems, because the Hispanic population includes more children than the white rural population. Nationwide, 37 percent of rural Hispanics are under age 18, compared with just 23 percent of rural whites.<sup>13</sup> Overall, three-fourths of America’s rural children are non-Hispanic whites, compared to 57 percent of children in metropolitan counties.<sup>14</sup>

*Rural residents are more likely to suffer poverty than those living in metropolitan areas, and more likely to have limited education.* For the overall population, the rural poverty rate was 15 percent in 2000, versus a rate of less than 12 percent in urban areas.<sup>15</sup> Among children, the



poverty rate in rural areas was 21 percent in 2000—three points higher than the child poverty rate nationwide.<sup>16</sup> (See *Figure 1*.) Since 2000, the rural child poverty has increased in 37 states.<sup>17</sup> Educationally, the percentage of rural adults (25 and older) with less than a high school diploma was 23.5 percent in 2000, compared to 18.8 percent in urban areas.<sup>18</sup>

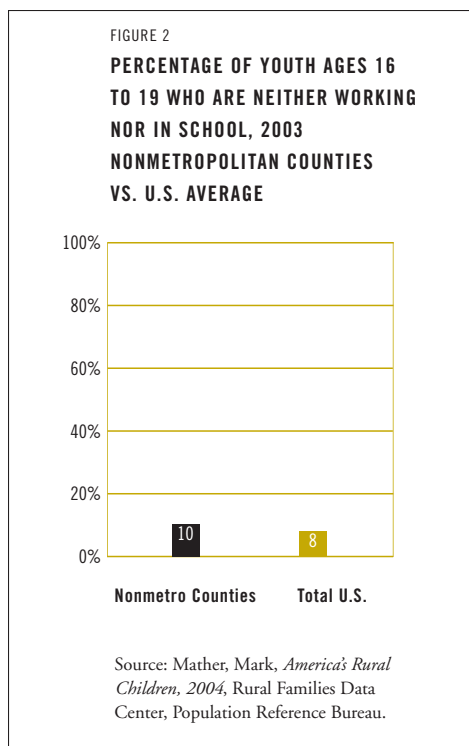
*Family dysfunction and breakdowns are no less likely in rural areas than in the nation as a whole.* Overall, 24 percent of rural children live in mother-only homes, just below the national average of 26 percent.<sup>19</sup> Though limited data are available to compare the incidence of child abuse and neglect in rural versus urban communities, a 2005 research summary commissioned by the U.S. Department of Health and Human Services found that “available studies suggest that there are not significant differences in rates or changes in abuse or neglect for rural counties, compared to urban and suburban counties.”<sup>20</sup>

#### Rural vs. Urban Youth: More Similarities Than Differences

Given the realities detailed above, it should come as no surprise that rural youth are not substantially less likely than their urban and suburban peers to exhibit problematic behaviors and other risk factors for delinquency.

*Rural youth are just as likely as other U.S. youth to drop out of school and more likely to be neither attending school nor working.* As in the nation as a whole, 11 percent of rural youth ages 16 to 24 lacked a high school diploma or equivalency and were not enrolled in school in 2004.<sup>21</sup> The 2000 Census found that 10 percent of rural youth ages 16 to 19 were not in school and not employed, compared with just 8 percent of total U.S. youth.<sup>22</sup> (See *Figure 2*.)

*Rural youth abuse alcohol and other drugs more often than youth in more densely populated regions.* According to the National Institute on Drug Abuse, 10th grade students in nonmetro counties are more likely than those



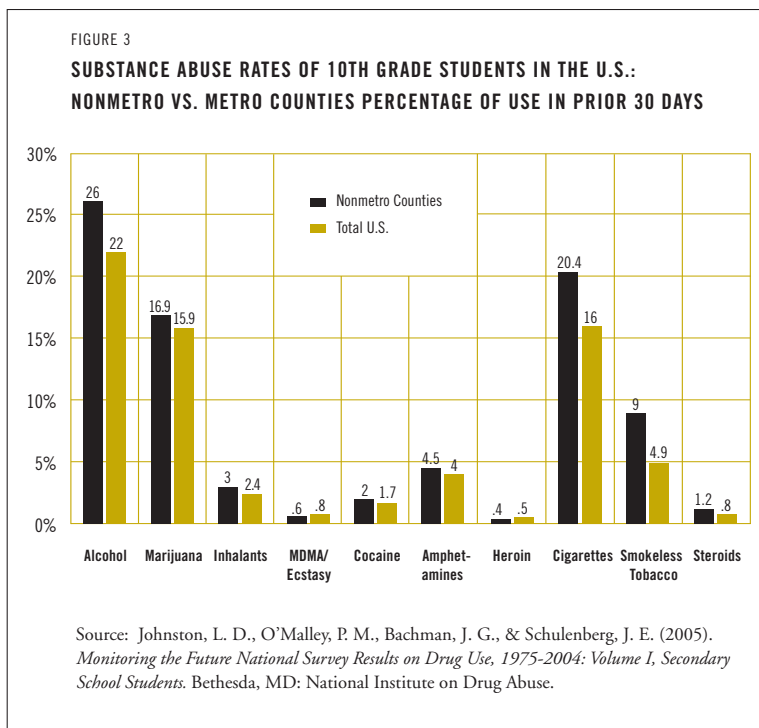


in urban areas to abuse alcohol as well as virtually every category of illicit drug.<sup>23</sup> In the 30 days prior to the NIDA survey, rural youth were more likely than their urban peers to use marijuana, cocaine, amphetamines, inhalants, steroids, cigarettes, and smokeless tobacco. (Rural 10th graders were slightly less likely than youth nationally to abuse heroin and MDMA/ecstasy.) Alcohol abuse is especially acute among rural youth: 26 percent of rural 10th graders reported binge drinking in the

30 days prior to the survey, well above the 22 percent rate for 10th graders nationwide. (See Figure 3.)

*Though they are less likely to be arrested for serious violent offending or weapons violations, rural youth are arrested at nearly the same overall rate as youth in more populous communities.* Urban youth are about twice as likely as rural youth to be arrested for one of the four “violent index offenses”—murder, rape, robbery, and aggravated assault—though rural youth had a slightly higher arrest rate for rape. Urban youth are also twice as likely to be arrested on weapons charges.<sup>24</sup>

Yet, the overall arrest rates of urban and rural youth are quite comparable: 5,901 arrests per 100,000 youth population in urban areas vs. 5,429 arrests per 100,000 youth in rural areas. Rural youth are far more likely than urban youth to be arrested for alcohol-related violations (including public drunkenness and driving under the influence), while urban youth are more likely to be arrested for violating curfew and loitering.<sup>25</sup> Because police departments differ in their propensity to formally arrest youth for lesser offenses, and because prosecutors differ in the



charges they bring to similar offending behavior, arrest data offer an imperfect barometer of criminal activity. Yet, taken together, these arrest data suggest that rural youth are about as likely to engage in lawbreaking behavior as urban youth, but that there seems to be more of a limit on the depths of that behavior in rural areas, so the most serious and violent crimes (and weapons carrying) are less common in rural areas and youth crime poses less of a danger to public safety. (*See juvenile arrest rates below.*)

TABLE A  
2005 JUVENILE ARREST RATES IN THE UNITED STATES: METRO VS. NONMETRO COUNTIES

	NONMETRO	METRO	RATIO
TOTAL ARRESTS	5,429.0	5,901.7	92.0%
<b>Violent Crime Index</b>	<b>154.2</b>	<b>284.4</b>	<b>54.2%</b>
Murder/nonneg. mans.	1.8	3.9	46.8%
Forcible rape	12.4	10.2	121.8%
Robbery	21.9	94.9	23.0%
Aggravated assault	118.2	175.4	67.4%
<b>Property Crime Index</b>	<b>999.8</b>	<b>1,157.2</b>	<b>86.4%</b>
Burglary	219.2	207.7	105.5%
Larceny-theft	695.8	812.8	85.6%
Motor vehicle theft	66.4	114.6	57.9%
Arson	18.4	22.0	83.6%
<b>Selected Nonindex Offenses</b>			
Weapons	62.5	132.7	47.1%
Curfew and loitering	154.2	387.9	39.7%
Drug abuse violations	408.1	539.3	75.7%
Driving under the influence	72.0	41.2	174.8%
Liquor laws	551.0	283.1	194.6%
Drunkenness	53.0	37.5	141.3%

Notes: Arrest rates are persons under age 18 (per 100,000 persons age 10 to 17).

Source: Adams, Benjamin. 2007. *Rural/Urban Variations in Juvenile Arrest Rates, 2005*. Pittsburgh, PA: National Center for Juvenile Justice, based on NCJJ's analyses of Puzanchera et al.'s Easy Access to *FBI Arrest Statistics: 1994-2005* [database] and *2004 Economic Research Service Typology Codes*.

## WHAT MAKES RURAL DETENTION REFORM DIFFICULT? THE CHALLENGES OF PLACE

**W**hile rural youth do not differ appreciably from urban and suburban youth in their needs and behavioral troubles, the challenge of administering juvenile justice and detention is complicated in rural communities by a variety of other factors, including geography/transportation, limited budgets and expertise/capacity, scale, and the higher visibility of youth crimes in sparsely populated areas.

### Geography and Transportation

In rural areas, long distances and the lack of public transportation can make it difficult, time-consuming, and expensive to get juvenile offenders to court dates, counseling sessions, assessments, and other appointments.

Rural judges and court officials are also burdened with logistical problems caused by long distances and limited staff. Scheduling all the relevant parties to assemble at the same time to resolve a juvenile case can be problematic when attorneys and judges may be covering a wide geographic area, with commitments to certain courtrooms on certain days. When the status of a case changes, it often takes days to reconvene all the parties involved. Scheduling and transporting youth to assessments and communicating with detention alternatives providers also take time.

Geography and transportation also play a role in the types of juvenile justice facilities and programs that are practical in rural areas. Place-based detention reform strategies prevalent in urban areas are not always appropriate in rural communities. For example, day reporting and evening reporting centers have proven a highly effective detention alternative in many urban jurisdictions, where youth can commute to the centers on their own via public transportation or be driven quickly by van or bus. But reporting centers may be unaffordable in some

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rural jurisdictions if long distances, poor roads, and the lack of public transit require staff to spend several scarce hours every day picking up and dropping off youth before and after the center program. Likewise, hiring “trackers” or home detention monitors may be less economical in rural areas due to longer commuting times between home visits. (On the other hand, evening reporting centers and trackers do operate successfully in some rural jurisdictions.)

### **Small Scale, Multiple Hats, and Infrequent Court Dates**

**The low population densities in rural communities cause problems of scale that are unknown in urban areas.**

The low population densities in rural communities cause problems of scale that are unknown in urban areas. For instance, in many rural communities the juvenile court convenes infrequently—only once a week in many jurisdictions, or in some areas only once a month. As a result, juvenile court officials must make special arrangements to expedite cases, lest long gaps occur between juvenile court sessions that can lead to youth being detained unnecessarily for days or even weeks before seeing a judge.

Low caseloads can also mean that rural juvenile justice officials—judges, defense attorneys, and prosecutors—do not build up the same level of expertise in the handling of juvenile cases as those in urban areas. Often, rural judges must handle both adult and juvenile cases as well as civil matters. Other rural court officials are also forced to wear many hats, become generalists, and concentrate only part-time on juvenile cases, whereas their counterparts in urban areas concentrate exclusively on this area of the law.

The small juvenile court caseloads in rural areas present particular challenges for detention. Often, multiple counties—and perhaps multiple townships or native tribes within them—will share a common regional juvenile detention facility yet apply vastly different criteria in making detention decisions. As a result, youth processed by juvenile court officials in one locality—steeped in their own unique culture and perhaps with limited experience in juvenile law and best practices—will be treated quite differently than a similarly situated youth, charged with similar types of offenses who lives just down the road. This model allows

unequal (and therefore inequitable) treatment of juvenile offenders and in many cases may lead to the overuse of detention.

### **Small Budgets**

Rural communities with limited tax bases have fewer tax dollars available to fund juvenile detention reform efforts than do wealthier, more densely populated metropolitan areas. These funding limitations make it difficult for many rural jurisdictions to create detention alternative programs. As a result, when youth get in trouble with the law, rural judges may have few or no options other than sending a young person to detention—even if the youth could be safely monitored under house arrest or some other non-secure detention alternative.

Lack of funds can also prevent rural localities from hiring enough workers to improve court processing efficiency or fund computer modernization, and it can preclude investments in video-conferencing equipment that might obviate the need for staff to physically transport youth to distant offices or to travel for meetings themselves. Likewise, tight rural budgets may limit the creation of juvenile offender data collection systems that can track the case histories of court-involved youth—how many times they’ve been arrested, for what crimes, where they have been placed, what have been the outcomes of their placements, and whether or not they have been subsequently arrested for new offenses. Also, lack of harmony in data fields from one rural county to the next can make it difficult to assess the effectiveness of different responses to juvenile crimes and to know which programs work. Only after multiple jurisdictions within a rural region agree upon what data should be collected can they begin compiling and analyzing juvenile justice statistics in a meaningful way.

**Another resource often scarce in rural areas is private, nonprofit service providers.**

### **Limited Staff/Contractor Expertise**

Because of tight budgets, some rural counties may have a single juvenile department worker, or perhaps two, who must cover all the different kinds of kids who come into the system. Similarly, rural mental health practitioners and social workers are also stretched thin in many cases, and extensive expertise in working with troubled adolescents may be rare. Likewise, many rural areas are hard-pressed to

develop and sustain specialized treatment programs focused on adolescent sex offenders or adolescents with substance abuse problems. Instead, adolescent drug and alcohol treatment programs in rural areas are often designed for adults, not juveniles, which can lead to inappropriate and ineffective counseling.

Another resource often scarce in rural areas is private, nonprofit service providers. In many rural jurisdictions, there are few private agencies providing juvenile justice services specifically or high-quality programs and services for families, children, and adolescents more generally. Metropolitan areas, by contrast, frequently enjoy a wide variety of private providers that compete for public funding.

**Juvenile justice tends to be less segmented in rural areas than metropolitan areas because rural juvenile justice officials are required to perform a number of jobs.**

Frequently, rural communities also suffer a dearth of experts who specialize in the problems of children and adolescents. Typically, metropolitan jurisdictions have large enough caseloads to justify the expense of hiring psychologists and social workers specially trained in dealing with family and adolescent issues. By contrast, “if you are a youth with special needs from a rural area, you are really at an acute disadvantage” in terms of finding access to appropriate resources, says Charles Fluharty, director of the Rural Policy Research Institute.

### **Culture**

The local culture can have a profound impact on the way different communities respond to delinquency. It is hazardous to generalize about differences between urban and rural cultures, observes Fluharty, because “there is no one rural reality... there are multiple rural realities.” Nevertheless, some juvenile justice reform advocates say that they often run up against a “law-and-order, lock ’em up” mentality in rural communities among residents, law enforcement officers, probation officers, prosecutors, and some judges, which can make detention reform an up-hill struggle.

For instance, Earl Dunlap of the National Juvenile Detention Association suggests that “by-and-large, the juvenile justice system in rural areas is driven by the prosecutor”—a phenomenon which leads to larger numbers of kids in secure facilities and significantly higher juvenile justice costs.

Others suggest that the infrequency of juvenile offenses in rural jurisdictions means that when a crime does occur, it is highly visible and tends to receive a lot of media attention. For instance, Ian Curley, program manager at the National Council of Juvenile and Family Court Judges, argues that “in rural areas you can’t sweep juvenile crimes under the carpet, [because] everybody knows what’s happening and the juvenile justice system is on show.” As a former Commissioner of Juvenile Justice in Pennsylvania, Paul DeMuro recalls that whenever there was a case of breaking and entering in a rural community “everyone knew it and it was highlighted in the local press.” By contrast, when he worked in Chicago, murders by adults would often dominate the headlines crowding news about juvenile drug crimes, car theft, and robbery out of the media.

Some detention reform practitioners report that the “tough on crime” attitude, which militates against detention reform, can (sometimes) be overcome by educating local officials and residents about the high cost and relative ineffectiveness of detention at protecting public safety or reducing recidivism. “We think we’re making a lot of progress,” says Cynthia Ohrazda, juvenile probation chief in Lea County, New Mexico and a leader in the county’s JDAI project. “The politics of being in a rural area tend to be very conservative, and in the beginning some probation officers didn’t buy into it,” she says. “But gradually they’ve accepted that detention should only be used to protect public safety, and I think the community is more supportive as well.”

### **Advantages Rural Communities Enjoy in Implementing Juvenile Detention Reforms**

In addition to resource limitations and other special challenges, rural jurisdictions also possess unique advantages when it comes to pursuing detention reform and working successfully with troubled youth.

One crucial advantage is flexibility and adaptability. Just as it is easier to maneuver a 20-foot schooner than a 2,000-foot ocean liner, it is far less arduous a task to change detention practices in a jurisdiction with 500 delinquency cases per year than in a jurisdiction with 10,000 delinquency cases.

#### HOW FAR TO THE NEAREST LOCK-UP?

While most rural communities share many common characteristics, the nature of their detention reform challenge can differ dramatically based on one crucial variable: how accessible (and affordable) is the nearest secure detention facility?

Rural communities that do not operate a detention center and are located far from any other detention facility are often extremely creative in developing workable alternatives to detention—especially if they must pay the full cost of detention out of local tax revenues. Out of necessity, many have already become self-taught experts in detention reform.

On the other hand, rural counties that operate their own detention facilities, and those with easy, low-cost access to secure detention beds in neighboring counties, may rely excessively on detention in lieu of devoting the time and spending the local tax dollars needed to build effective detention alternatives.

Unfortunately, the 1990s saw a boom in the construction of juvenile detention facilities—many of them in rural areas—despite the fact that juvenile crime was declining. Buoyed by billions in federal subsidies for construction of new detention facilities, for instance, California alone added more than 3,000 additional detention beds since 1999—a 50 percent increase.<sup>26</sup>

Today, with juvenile crime rates hovering at historic lows, many rural communities face an excess capacity of detention beds, which in turn can create an enormous drain on local budgets. According to Earl Dunlap of the National Juvenile Detention Association, maintaining a single bed in a secure detention facility over a 20-year period costs taxpayers about \$1.5 million. These costs, says Dunlap, can consume the lion's share of a county's juvenile justice budget, leaving little money for detention alternatives and other services for youth who do not require detention.

While data are not available on a nationwide basis to quantify the difference in detention usage between rural counties with their own detention centers versus those with no detention center, a study in Pennsylvania found dramatic differences, not including the state's three largest jurisdictions, Pennsylvania counties with their own detention centers detained youth at more than three times the rate as counties with no detention center in 2002. (When the larger jurisdictions are included, the ratio jumps to more than 5:1.)<sup>27</sup>

Despite the heavy financial costs of maintaining detention facilities, rural officials often face pressure to build or add to local detention facilities. "We get a call about once a year from a jurisdiction of 30,000–75,000 that thinks it needs a local secure detention facility," reports Hunter Hurst IV at the National Center for Juvenile Justice. Once an outside assessment is done, however, it usually turns out that what is needed is not added detention capacity but rather other detention reforms that speed process or create alternatives to detention, Hurst says.

The small scale of operations shields juvenile courts and juvenile probation/detention agencies in rural areas from the institutional resistance and bureaucratic turf battles common in the juvenile systems of major urban areas. Rather, as several of the examples in the following chapter will illustrate, if a handful of key leaders in a rural jurisdiction embrace the ideal of detention reform—or even just one influential judge—fundamental changes can follow quite quickly.



Many of the advantages that rural jurisdictions enjoy in pursuing detention reform are rooted in increased familiarity with the community and the few, key juvenile justice officials. Juvenile justice tends to be less segmented in rural areas than metropolitan areas because rural juvenile justice officials are required to perform a number of jobs. A chief probation officer in a rural area wears a number of hats, often carrying a caseload as well as acting as an administrator. As a result, they tend to know more about the cases in their jurisdiction and how they are handled than their counterparts in urban areas where there are too many cases to be familiar with them all. This makes better communication and cooperation over cases possible in rural areas.

Increased familiarity also creates the possibility of more caring and personalized treatment of court-involved youth, because juvenile justice workers are likely to know youth in jurisdictions personally—unlike their counterparts working in denser, urban areas. “The rural social worker and probation officer really do understand where the kid is coming from because they have often grown up there themselves,” Curley suggests.

Similarly, some observers suggest that local law enforcement officers working in sparsely populated areas tend to know the children and parents in their patrol area and are therefore more inclined to resolve minor problems and disputes without resorting to the courts. “The older guys in the Sheriff’s Department sometimes have a strong sense of keeping the peace as well as enforcing the law,” observes Jeff Milligan, a juvenile justice coordinator in rural Oregon. “They will make a kid pour out beer and talk to him about hanging out with the wrong crowd instead of just locking him up.”

Finally, because they tend to have fewer financial resources than urban areas, rural communities are accustomed to coming up with low-cost ways of solving community problems. Thus, while rural communities may not have the resources (or the need) to create a stand-alone youth shelter, they can often forge partnerships with an existing youth home to provide emergency shelter space when the occasional case arises.

## LEADING THE WAY ON RURAL DETENTION REFORM: TWO EXAMPLES

**M**ost rural JDAI efforts are still in the early stages. Because all of the initial JDAI demonstration sites were located in urban areas, as are the model sites (Portland, Chicago, Santa Cruz, and Albuquerque), rural communities have had less opportunity to fully implement the model and document its impact. Nonetheless, the available evidence shows that the JDAI model is both needed in rural communities and—when implemented appropriately—responsive to the challenges rural communities face.

This chapter describes two detention reform efforts that are furthest along in demonstrating JDAI's promise in rural communities. The following chapter will then draw lessons from these and other initiatives about how rural jurisdictions can overcome the particular challenges they face in effectively implementing detention reform.

### **Illinois' 15th Judicial Circuit: Using JDAI to Curb Overreliance on Detention**

In May 2000, Judge John Payne traveled to Chicago to attend a seminar on juvenile detention reform organized by the Annie E. Casey Foundation and the Cook County Juvenile Probation Department, a model JDAI site. At the time, Payne presided over juvenile cases in Lee County, Illinois, part of the 15th Judicial Circuit in the rural northwest corner of the state bordering Wisconsin and Iowa.

Payne was immediately impressed with the JDAI concept. That very month, he called a meeting with the juvenile judges, probation chiefs, and court administrators from all five counties in the 15th Circuit. "I said this is something we should look at," Payne recalls.

Even before learning about JDAI, Payne had helped engineer substantial reforms in Lee County's juvenile justice system. When he took over as Lee County's juvenile judge in 1995, the county was relying heavily on residential treatment programs and other out-of-home placements that were draining \$350,000 per year from the county's budget and—Payne says—doing little to benefit youth.

“We found that the kids did well in the residential facilities, but they kept getting into trouble when they got back,” Payne explains. “The parents couldn’t be involved while their children were in the placements, so we’d done nothing with the family, nothing with the school, nothing with the community.”

Together with chief of the Lee County Probation Department, Kim Becker, Payne developed the Court Intensive Youth Services (CIYS) program which funded dedicated counselors to work with young people who had violated the law and were at high risk of being placed in a residential facility. The counselors, who are based out of a local mental health center, become familiar with the minors as well as their families, teachers, and peers; meet frequently with the youth at home and at school; and begin to address the problems that were root causes of the youths’ delinquency.

The CIYS program proved highly effective: records show that 82 percent of participating youth did not re-offend seriously enough to be detained or placed into residential care or the Department of Corrections, and Lee County’s expenditures for residential and correctional placements declined precipitously. In 2003, the county spent barely \$100,000 on out-of-home placements—less than one-third of the spending level in 1995.

Based on the success of Court Intensive Youth Services, Payne says, “We gained the knowledge that we could be successful if we worked with families and kept a lot more kids in the community.” After the meeting, Payne committed himself to applying this lesson to the detention phase of the juvenile process, and not just in his own county but throughout the five counties of the 15th circuit.

*Heavy reliance on detention, despite the distance.* None of the five counties of the 15th circuit operates a juvenile detention facility. Rather, the nearest detention center is located in Galesburg, Illinois, 90 miles south of the Lee County courthouse.

Despite the distance, and despite the cost to local taxpayers, the five counties of the 15th circuit used detention extensively prior to joining JDAI, and they took few steps either to create alternatives or reduce the length of stay for youth once admitted to detention.

Payne describes the Galesburg detention center as a “a good facility,” but he says that relying on it was expensive—Lee and neighboring Ogle counties alone paid almost \$90,000 for detention in 2000—and, it also compromised the care provided to detained youth. Once placed into detention, Payne says, youth would remain for at least seven days—often longer. Because Payne handled adult criminal and civil cases as well, he convened juvenile court just once a week, on Mondays. As a result, a juvenile arrested on Tuesday typically spent almost a week in secure detention prior to having his case heard. When minors did return to court, the result was usually a plea agreement, at which point an assessment would be ordered. Then there would be delays before the assessment was completed, and more delays before treatment began.

“During that period, we had done nothing to change the conditions that may have led to the delinquency,” Payne says, “nothing about mental health issues, nothing about family issues, nothing about substance abuse issues. Whatever they were, we had done nothing to change them.”

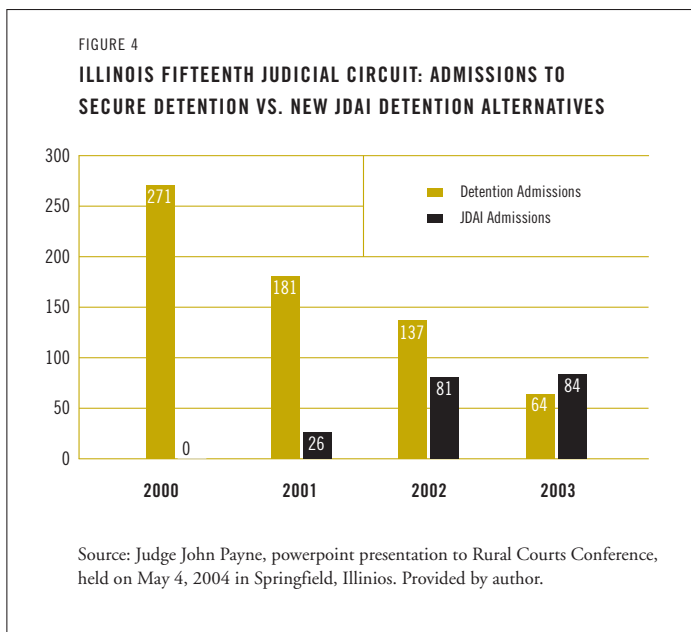
*Tackling detention reform.* When the juvenile justice leaders of the five 15th circuit counties met in May 2000, all agreed to pursue detention reform and apply together to participate in the JDAI project. They established a circuit-wide juvenile justice council; that group’s first step was to develop a circuit-wide detention risk-assessment instrument. Over time, the group also began convening annual, circuit-wide training sessions, first to inform local stakeholders about the risk-assessment process and then to deepen their understanding of other detention-related issues.

Beginning with Lee and Ogle, the counties developed new alternatives to detention for youth who required support and supervision prior to their court hearings but posed minimal threats to abscond or harm public safety.

In Lee County, the probation department secured state grant funds to open a day reporting center at the Nachusa Lutheran Home (NLH), a home for abused and neglected children that had been operating under capacity. Youth are picked up each morning by staff who operate the program from 8 a.m. to 8 p.m. every day. Youth engage in educational and other programming, and then are dropped off at home to be supervised at night under home detention status by a parent or other adult approved by the court. In 2002, an afternoon reporting program was

added so some young people could attend regular schools and then attend the program from 4 p.m. to 8 p.m.

This day reporting approach allows young people to remain in the community and stay on track in their school work, and it allows parents to remain involved in their supervision at home and to participate at the center after work. In addition, NLH clinicians are available to conduct mental health assessments, so there are no longer delays once a plea or probation agreement is created.



In Ogle County, state grant funds were used to open a new evening reporting center every weekday from 5 p.m. to 9 p.m. (and till 10 p.m. on Fridays) for youth who've either been detained and released but require more structure, or for youth who have violated terms of their probation agreements and face administrative sanctions. As in Lee County, program staff transport Ogle County youth to and from the program each day, and they provide a mix of tutoring, counseling, and recreation. A third county, Stephenson, also used grant funds to support an evening reporting program (though unlike Lee and Ogle, the program did not continue after grant funding expired). The other two counties in the circuit, much smaller, were not able to develop their own detention alternatives but piggy-backed on the programs in Lee and Ogle counties whenever feasible.

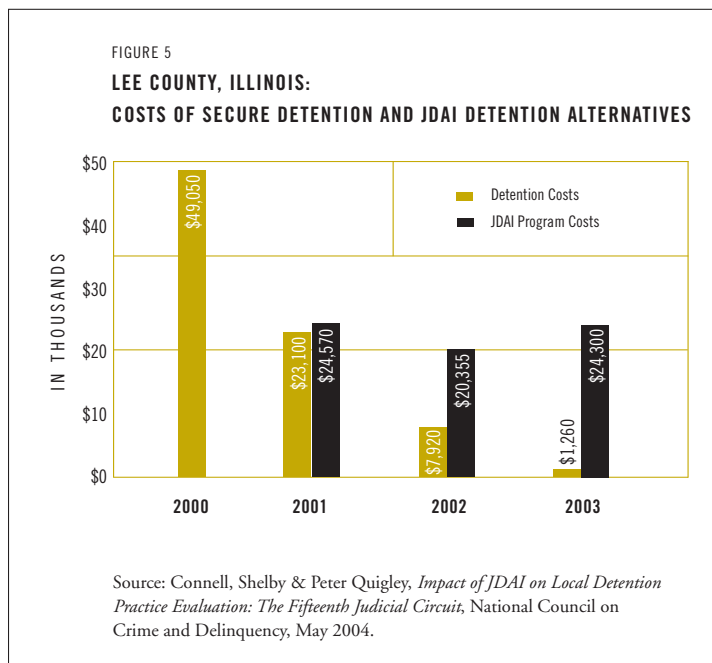
The final element of the 15th circuit's detention reform effort focused on expediting cases and reducing the average length of detention. This, Payne says, is "a mindset, not a policy," which he describes in just two words: "Don't wait." Once Payne adopted that mindset, he says, "If a child was detained, I had to be convinced that there wasn't an alternative available." And once a youth was placed in detention, he adds, "we don't keep him there seven days anymore just because

it's convenient for us. Now, if we have a child in detention, we bring him back for a hearing the next day.”

*Achieving results.* In the year that ended in June 2000, the five counties in the 15th circuit placed 271 youth in detention, and the average daily detention population for the five counties was 9.3 youth. Within two years, those figures had declined dramatically: just 131 youth were placed in detention, and the daily population averaged just 3.8 youth. Meanwhile, the number of youth served in detention alternative programs grew from 0 in 2000, to 26 in 2001, to 81 in 2002, to 84 in 2003. (See Figure 4.)

An analysis by the National Council on Crime and Delinquency in 2004 found that 80 percent of youth in these detention alternatives completed their programs successfully (attended court as scheduled, with no new offense charges), while less than 5 percent (4 of 90 youth) failed the programs due to being charged with a new offense.<sup>28</sup>

Though circuit-wide cost data are not available, Lee County's experience is instructive. The county's spending for detention declined from \$49,050 in 2000 to \$23,100 in 2001 to less than \$8,000 in 2002, where it has remained (on average) ever since. (See Figure 5.) The day reporting center costs \$20,000 to \$25,000 per



year, meaning that the county's total spending (detention plus detention alternatives) remains well below the budget level in 2000. The detention alternative program is now funded out of the county's own budget.

“We were able to show our county board that we could reduce the cost of detention substantially, even when you count the alternative program,” Payne says. “So the county board sees that it's not only good practice, but economically it's good as well.”

### **ADDITIONAL RURAL DETENTION REFORM SUCCESSES IN SOUTHERN ILLINOIS**

Another example of an effective regional partnership comes from the 12 counties of Illinois' 2nd Judicial Circuit, in the southeastern corner of the state, which have also bound together to take on the juvenile detention reform challenge. Since 2000, the circuit has initiated a circuit-wide detention screening instrument, created evening reporting centers, expanded electronic monitoring to support home detention all 12 counties in the circuit (whereas only a handful of counties used it previously), initiated a daily 8:30 a.m. detention call to expedite cases, and partnered with a local university-based mental health clinic to conduct mental health assessments of youth who are detained or at risk of detention. Also, thanks to its participation in a new state program aimed at increasing community-based programming in lieu of state incarceration, the circuit has developed an array of new counseling and treatment programs that are expanding the options available for supervising youth in the pre-trial period.

According to Judge George Timberlake, who initiated the area's detention reform effort and served as the circuit's chief judge from 2003 to 2007, the region's detention center was often used to detain status offenders in the days before JDAI, partly due to a crackdown on truancy that Timberlake now calls "misguided."

Once immersed in JDAI, however, Timberlake and other local leaders created a new circuit-wide screening instrument that does not allow detention of status offenders except under extraordinary circumstances. It also requires that youth designated under the Serious Habitual Offender Comprehensive Action Plan (SHOCAP) be screened like all other youth and referred to detention alternative programs when appropriate. (Previously, SHOCAP youth were automatically detained for any new violation or offense—no matter how minor.) Despite resistance from some law enforcement and probation officers, Timberlake issued an administrative order requiring that any youth admitted to the circuit's detention center—even youth referred from outside the circuit—be screened and determined a legitimate risk.

Counties in the 2nd Judicial Circuit also developed a number of new detention alternative programs. For instance, the circuit has expanded the house arrest program, which uses electronic bracelets or GPS hardware, to all 12 counties.

Local detention reform efforts got a further boost in January 2005 when the 2nd circuit became one of four sites to implement a new state program, entitled Redeploy Illinois. The program is aimed at already adjudicated youth—not those pending trial—and its mission is to reduce placements into state correctional facilities by boosting funding for local supervision and treatment programs.

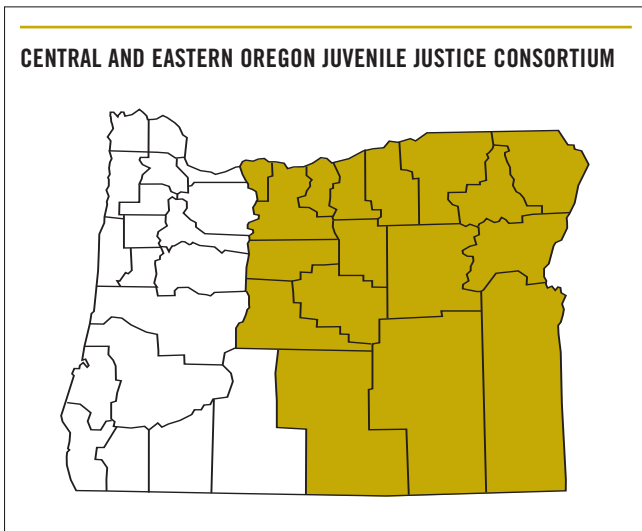
Indirectly, Timberlake says, the new programs and services funded through Redeploy Illinois have also had a beneficial impact on detention reform. For instance, the circuit has used Redeploy Illinois funds to contract with clinicians at Southern Illinois University to provide psychological and substance abuse assessments for court-involved youth, and to launch aggression therapy classes, two evidence-based family therapy interventions (Multisystemic Therapy and Functional Family Therapy), and a cutting-edge residential drug treatment program for methamphetamine users. And it has begun to involve probation officers in pre-adjudication supervision in some cases, making phone calls and dropping in on youth awaiting adjudication hearings or awaiting placement or assessment.

"In the past, judges were used to sending kids back to detention to wait for a placement or an assessment," Timberlake says. "Now that we've developed all the services, we tend to enroll kids immediately into a program and thereby keep in contact with the kid." As a result, he says, "our failures to appear have dropped like a rock."

### Central and Eastern Oregon: Demonstrating the Benefits of Regional Cooperation

Even before the Central and Eastern Oregon Juvenile Justice Consortium (CEOJJC) signed on as a JDAI site in 2005, the 17-county partnership had already demonstrated many of the key traits necessary to succeed in rural detention reform.

By pooling financial resources and working cooperatively, the participating CEOJJC counties have been able to develop innovative approaches to serving youth who get in trouble with the law; provide specialized treatment services and other programs that keep rural youth close to home whenever possible; and mentor staff in local juvenile departments who would otherwise be isolated and lack information about effective approaches to juvenile treatment and case processing. Perhaps most importantly, the consortium has nurtured a cohesive cadre of strong leaders in the participating counties who are united by a common commitment to maximizing the success of troubled youth.



From the outset, recalls Jeff Milligan, a consultant to the consortium since its earliest days, CEOJJC has been guided by a belief that: “These are our kids and we want to provide services for as many of them as we can in our communities. We want all kids to grow up healthy, educated, and prepared for the future, including kids in the juvenile justice system.” Through JDAI, the consortium is now applying itself specifically to the detention challenge—formerly a weak link in member counties’ juvenile systems.

CEOJJC was established in 1987 in the wake of three major shake-ups to the region’s juvenile justice system: a 1982 court ruling forbidding the holding of youth in adult jails and lockups, which had been the common practice to that time; new rules narrowing the purposes of detention to protecting public safety



and ensuring attendance in court; and the closure of a regional 20-bed juvenile corrections facility. Together, the 17 CEOJJC counties cover a land area of 61,000 square miles, more than half of the state, and they are home to about one-eighth of Oregon's 3.5 million citizens, including 105,200 children under age 18. (*See map on p. 38.*)

Beginning with the passage of Oregon's Community Juvenile Services Act in 1979, each county had its own local juvenile services commission, and each received funding to support programs aimed at diverting youthful offenders from placement into state-run correctional training schools. Under CEOJJC, the 17 counties agreed to pool those funds—which currently total about \$350,000 per year—and work together on improving their juvenile systems and retaining as many young people as possible in community-based programming. Today, CEOJJC receives more than \$100,000 in additional funding from the Oregon Youth Authority to support local programming aimed at reducing out-of-home placements.

About one-third of CEOJJC's budget is set aside as "flex funds" available to counties on a first-come, first-serve basis. Counties can use these flex funds to purchase treatment services for youth requiring non-residential monitoring and counseling (the majority of adjudicated youth), or short-term out-of-home placements for a smaller number of youth with more serious needs or offending behaviors. Flex funding permits the design of individualized programs or targeted small group treatment for youth with similar needs, and it allows CEOJJC counties to target spending on the specific services needed by individual youth, rather than on keeping open a facility or program that may be required only occasionally.

In addition to making flex funds available, CEOJJC has secured and administered a series of grants over the years to expand local expertise and improve programming in member counties. For instance, in the late 1990s CEOJJC used a federal grant to help each county assemble a Community Resource Team—including representatives from the juvenile department, mental health, schools, and the Oregon Youth Authority, as well as family members—to jointly assess the

**Prior to JDAI, Rogers says, CEOJJC did not have an objective screening tool to determine whether youth required detention.**

**In Wasco and Hood River counties, two of the larger CEOJJC counties pursuing JDAI, combined detention admissions of boys and girls fell from 229 in 2005 to 148 in 2006—a drop of 35 percent.**

needs of court-involved youth with multiple, overlapping problems and to devise a consensus treatment plan for each young person.

Previously, as in other jurisdictions (rural and urban), there was a tendency to refer youth back and forth between agencies rather than working together to address their needs. The Community Resource Teams operate throughout the region to ensure that all relevant agencies and departments play a role in serving delinquent young people and reducing the risk that they will re-offend.

In 1997, CEOJJC secured a \$1.2 million grant from the federal Center for Substance Abuse Treatment to develop high-quality, youth-focused drug and alcohol counseling programs and train county staff on substance abuse issues. Also, using its own resources the Consortium has focused extensively on developing high quality sex offender treatment programs—creating a network of private agencies to provide individualized case management that allows the less serious offenders to be treated effectively at the community level. Unlike other jurisdictions, says JDAI chairperson for CEOJJC Molly Rogers, “we don’t just default kids to the state system” when they’re accused of sexual offenses.

*Detention reform—A missing piece.* “JDAI was completely consistent with the consortium’s values and with the strategies we’d been pursuing to enhance programming for adjudicated youth,” explains Molly Rogers. “But [before beginning work on JDAI] we really hadn’t focused enough on detention policy and practices.” However, after learning about JDAI from the National Council of Juvenile and Family Court Judges, CEOJJC connected with the Annie E. Casey Foundation in 2004, and nine of the consortium counties applied to participate in JDAI beginning in 2005. (A tenth county joined the effort subsequently.)

Prior to JDAI, Rogers says, CEOJJC did not have an objective screening tool to determine whether youth required detention. As a result, the use of detention was uneven. “We were doing it mostly on gut instinct, as well as budgetary pressures,” she says. Counties far from a detention center—especially very small counties with limited budgets—were rarely placing youth into detention, Rogers

recalls, not even youth accused of felonies. (In 2002, tiny Wallowa County—population 7,250, had a total detention budget of \$7,000—enough to buy just 52 days in the nearest detention facility in Umatilla County, 100 miles away.) Yet even in counties with easy access to detention, usage varied widely. For instance, in 2003 Wasco County detained almost twice as many youth as neighboring Hood River County, even though the two counties share a detention facility and have populations of roughly equal size and demographic composition.

Also, detention lengths of stay were generally quite short, Rogers reports, suggesting that many of the youth taken into detention did not pose a serious risk to abscond or threaten public safety. Meanwhile, other than a very limited shelter bed program in one small county, none of the 10 CEOJJC counties participating in JDAI had any detention alternative programs—no home detention, no day or evening reporting centers.

In JDAI, CEOJJC is focusing on three main goals:

**CEOJJC GOAL #1: *Develop and implement a common detention risk assessment instrument in all the participating counties.***

“Because we have a strong sense of cooperation among the line staff and directors across the region, all the counties agreed to apply the same risk [assessment instrument],” Rogers says. After reviewing a number of different models, CEOJJC decided to build from a tool developed in Oregon’s Multnomah County, a model JDAI site.

In an attempt to capture accurate data related to detention decision-making, some smaller CEOJJC counties suggested adding non-traditional criteria for overriding the risk assessment process, such as inclement weather and insufficient budget for secure detention. “There are some overrides that we didn’t find in other detention risk assessment instruments, solely based on rural characteristics,” says Rogers.

**“Through JDAI we’ve all come to agree that detention is about public safety. If public safety isn’t at risk, then detention is not appropriate.”**

**—Molly Rogers, Director,  
Wasco County Youth  
Services and JDAI  
Chairperson for CEOJJC**

**CENTRAL AND EASTERN OREGON JUVENILE JUSTICE CONSORTIUM:  
MULTI-COUNTY STRATEGIES FOR SUCCESS IN RURAL DETENTION REFORM (AND OTHER JUVENILE JUSTICE REFORMS)**

CHALLENGE	STRATEGY
1. Limited time and staff expertise for developing and testing risk assessment instrument	<ul style="list-style-type: none"> <li>a. Agree that all participating counties will use a common detention screening instrument, rather than trying to devise risk instruments separately.</li> <li>b. Recruit leaders from participating CEOJJC counties to serve on a committee dedicated to studying the RAI challenge.</li> <li>c. Tap expert assistance from other JDAI implementation sites, including Multnomah County, an urban JDAI model site also in Oregon.</li> </ul>
2. Inadequate case flow to support dedicated shelters for youth requiring supervision but posing low risks to flee or harm public safety	<ul style="list-style-type: none"> <li>a. Recruit community residents to serve as “Family Resource Homes,” providing shelter on an as-needed basis.</li> <li>b. Conduct background checks and home inspections, and provide extensive training to ensure Family Resource Homes are prepared to offer safe and skilled supervision.</li> </ul>
3. Limited access to training and support for juvenile justice workers	<ul style="list-style-type: none"> <li>a. Convene quarterly meetings that allow CEOJJC members to share ideas and explore common challenges as they attend to partnership business.</li> <li>b. Encourage informal communications among members as a means of providing crucial support and guidance for juvenile directors and staff in participating CEOJJC counties.</li> </ul>
4. Limited funding and limited local expertise to develop detention alternatives and other specialized programming (for juvenile sex offenders, adolescent substance abuse treatment, etc.)	<ul style="list-style-type: none"> <li>a. Organize committees to study problems, identify state of the art practices, and brainstorm strategies to adapt model programs to rural context.</li> <li>b. Prepare and submit grants to state government, federal agencies, and private foundations to support the development and start-up of targeted programming.</li> <li>c. Pool finances among participating CEOJJC counties to address common challenges cooperatively.</li> <li>d. Join forces to lobby state agencies to provide financial support for local detention and community corrections programming.</li> </ul>
5. Limited influence on state policy	<ul style="list-style-type: none"> <li>a. Create a united voice among participating counties to participate in and influence state policy discussions and budget allocations.</li> <li>b. Forge partnerships with urban jurisdictions to pursue shared priorities in state policy and budget discussions.</li> <li>c. Create leadership development opportunities by enabling CEOJJC members to participate in state-sponsored seminars on juvenile justice, and by sending members to JDAI national inter-site conferences and model site visits with multi-disciplinary partners from courts and state agencies.</li> </ul>

CEOJJC began testing the risk instrument in the fall of 2006. An automated version linked to an online electronic data system went into its test phase in the late summer of 2007, and this system became fully operational throughout the region in 2008.

**CEOJJC GOAL #2:** *Establish a network of detention alternative programs that are affordable and suitable for use in rural communities.* Before entering JDAI, CEOJJC did not have a system to access other detention alternative programming. Today, two more small counties have developed shelter homes, which cost an average of just \$75 per night—compared with \$135 per night for detention—and which obviate the need for staff to drive youth far from their home communities to sit in a locked detention facility.

In addition, seven counties have developed electronic monitoring capacity to supervise youth in home detention, including Wasco County—where Molly

#### **FAMILY RESOURCE HOMES: DEVISING A NEW DETENTION ALTERNATIVE IN RURAL OREGON**

As part of its effort to expand alternatives to secure detention, Wasco County has created a new program model—called Family Resources Homes—to provide short-term shelter for youth who require accommodation and supervision in areas where no dedicated shelter facility is available.

Thus far, Wasco County has recruited three Family Resource Homes. Before licensing the families and making the program operational, Wasco officials conducted background checks and home inspections on all three families, and then provided each with 30 hours of training sanctioned through the Oregon Youth Authority, plus CPR/First Aid training.

The three families rotate on “on call” status every two weeks, and they are permitted to supervise two youth at any one time. The program is restricted to youth who have not committed violent offenses or been cited repeatedly for running away or missing court appearances, and it can only be used in cases where no less restrictive placement is available.

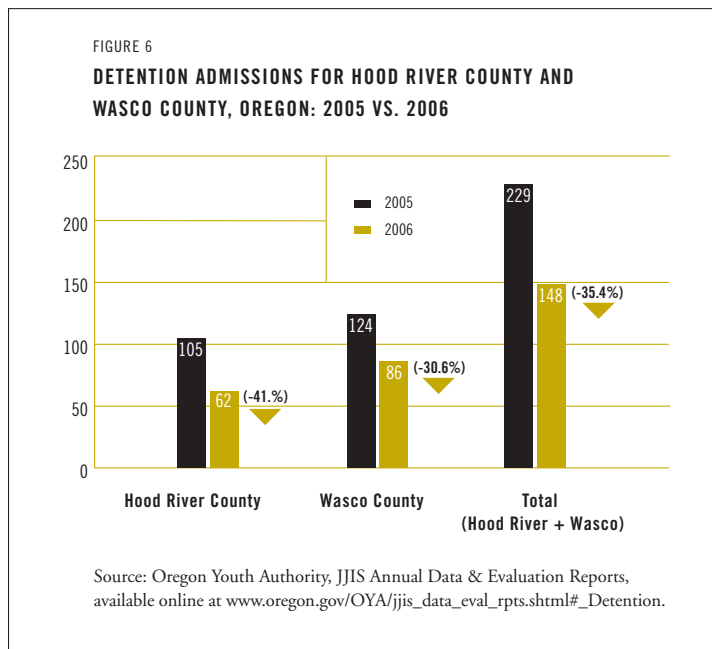
Families are paid \$100 per week for being on call, plus \$60 for the first night of any placement and \$40 for each subsequent night. Wasco’s total budget for the project is \$8,450 per year—enough for about 60 placements per year if the average placement lasts three days.

According to Molly Rogers, the Family Resource Home model has been a critical addition because “Family Resource Homes give case managers options and prevent lower-risk youth from placement in detention.”

Recently, two additional CEOJJC counties—Gilliam and Wheeler—have decided to replicate the model. These counties have recruited two families each to serve as Family Resource Homes.

Rogers serves as director of the youth services department, in addition to her responsibilities with CEOJJC. Wasco has also established a handful of “Family Resource Homes” where youth can be supervised while juvenile department workers search for parents or other guardians. (See text box on p. 43.) Overall, Rogers reports that 10 percent of youth taken into custody in Wasco County are placed into electronic monitoring, and another 7 to 10 percent are diverted to resource homes.

In response to the high rate of detention admissions for probation violations among girls, Wasco County has initiated a new “Girls Circle” counseling project for both adjudicated girls and girls referred by local schools. Thanks to the Girls Circle, Wasco County has sharply reduced the number of girls detained—from 57 in 2005 to 20 in 2006.



Indeed, even before the risk assessment process became fully operational, CEOJJC’s detention reform efforts seem to be making a difference within the region. In Wasco and Hood River counties, two of the larger CEOJJC counties pursuing JDAI, combined detention admissions of boys and girls fell from 229 in 2005 to 148 in 2006—a drop of 35 percent. (See Figure 6.) (Not all participating CEOJJC counties saw a decline in 2006. In fact, some increased slightly in 2006, resulting in a 9 percent over-

all decline in detention admissions across the ten-county region.)

**CEOJJC GOAL #3:** *Create a set of incentives and sanctions to reduce the number of youth placed in detention for technical violations of probation.* A third focus of

CEOJJC's JDAI initiative has been to develop a new set of policies and procedures to deal with youth who violate the terms of their probation agreements. In Wasco County, for instance, 38 percent of all detention admissions in 2005 were youth charged only with non-criminal technical probation violations—forms of misbehavior that contradicted the terms of their probation agreements.

In November 2007, a CEOJJC committee of county juvenile directors completed work on a new region-wide protocol of graduated sanctions and incentives for youth on probation. The protocol aims to minimize the use of detention for technical violations by imposing lesser penalties (reduced privileges, imposition of electronic monitoring, more frequent contact with probation staff and trackers, etc.) when youth break rules and by rewarding youth for good behavior with incentives. When CEOJJC leaders met with 11 local juvenile judges to detail the plan, all said they would be open to exploring new arrangements allowing local juvenile departments to impose new penalties or grant incentives to youth in some or all cases without first securing a judge's order. "Through JDAI we've all come to agree that detention is about public safety," Rogers says. "If public safety isn't at risk, then detention is not appropriate." (For a copy of the CEOJJC Incentives and Sanctions Framework, visit the JDAI Help Desk at [www.jdaihelpdesk.org](http://www.jdaihelpdesk.org).)

## LESSONS FOR SUCCESS IN REFORMING JUVENILE DETENTION IN RURAL JURISDICTIONS

From Central and Eastern Oregon and Illinois' 15th circuit, and also from a handful of other pioneering efforts, crucial lessons have emerged about how to make detention reform work in rural areas. Most of the lessons fall neatly into three critical and overlapping categories: (1) rural counties should work together across county lines to address detention reform (and related juvenile justice challenges); (2) states can play a crucial role in stimulating and supporting rural detention reform; and (3) a number of specialized tactics can be adopted in rural jurisdictions to make JDAI fit the rural context.

### **Lesson #1: Rural Counties Can Join Forces in Their Detention Reform Efforts by Creating Multi-County Regional Partnerships.**

Many of the special challenges rural jurisdictions face in implementing detention reform relate to the small caseloads, restricted resources, and limited expertise available in sparsely populated communities to build and sustain a high-quality detention system. To overcome these limitations, rural counties can bolster local detention reform efforts by reaching out to neighboring counties and working together.

Indeed, both of the initiatives highlighted in the previous chapter—Illinois' 15th circuit and CEOJJC in Oregon—have employed regional, multi-county partnerships. By combining their efforts, they are demonstrating how rural counties can overcome resource limitations and heighten their influence by pooling both their talents and resources.

What is it about the multi-county approach that enables rural counties to succeed? Leaders of these partnerships and outside experts point to several factors:

*Joining forces creates a larger resource base to support the development and maintenance of programs and services for court-involved youth—plus a stronger capacity to write grants and attract outside funding.* In Oregon, CEOJJC counties have been able to dramatically improve their services for juvenile sex offenders and



youth with substance abuse problems by jointly raising grant funds and developing a network of specialized service providers that no single county could have developed on its own. Likewise, in Illinois' 15th Judicial Circuit, Judge Payne argues that it's unlikely that any single county could have qualified for a JDAI grant, while working together the five counties were accepted. "My county has just 36,000 people," Payne says. "The circuit has 170,000. So it made us a lot more attractive for grants."

*Regional partnerships create a larger pool of cases from which to develop expertise and increase programmatic competence.* Often, youth involved in the juvenile justice system require specialized treatment and intervention services such as adolescent substance abuse treatment, adolescent sex offender counseling, and family therapy. Because these services involve sophisticated techniques and require a deft touch, their success hinges on the skills and expertise of the provider. No single rural county is likely to generate a large number of cases involving any one of these specialized treatments. By contrast, a large multi-county region will generate a continuing flow of cases and enable providers to develop the needed expertise and to hone their competence in delivering essential treatment services.

*Regional approaches create greater opportunities to support the professional development of juvenile justice workers through joint training opportunities, informal staff support networks, and ongoing information sharing.* Since joining forces to launch their JDAI initiative in 2000, the five counties in Illinois' 15th Judicial Circuit have convened an annual training conference to bring juvenile workers up to speed on critical issues. "On their own, each of the counties has limited resources," explains Payne. "By doing it on a regional basis we're able to bring in some excellent speakers." According to Molly Rogers of CEOJJC, one of the most beneficial aspects of the multi-county partnership is the mutual support it fosters among juvenile justice workers across county lines. For instance, when a new juvenile department director fresh out of college was hired for tiny Wheeler County, she spent two weeks shadowing the juvenile director in nearby Hood River County, and she relied heavily on members of the CEOJJC for advice, links to experts and access to helpful resources. "We have a true sense of cooperation among all the line staff and directors across the region," Rogers says, which enables

counties to share their insights and experiences, work together to solve common problems, and provide support to inexperienced workers as they enter the system.

**Lesson #2: State Governments Can Play a Crucial Role in Stimulating and Supporting Rural Detention Reform.**

While most detention decisions are made locally, and most detention centers are operated and overseen by local authorities, states can play a vital role in nurturing detention reform by: creating a policy context that encourages local courts, probation agencies and detention centers to make appropriate and enlightened use of detention; making flexible funding available to local areas to support local detention reform efforts; and providing leadership on juvenile detention reform by encouraging and assisting local detention reform efforts in rural jurisdictions. The following discussion details the efforts of several states to promote effective detention practice by applying these techniques.

*Set rules requiring localities to use detention in a productive, efficient, and appropriate fashion.* In 2003, New Mexico amended its children's code to require that all detention centers in the state screen youth and admit only those who pose a documented risk. "Prior to the risk assessment instrument," says state JDAI Coordinator Steve Archuleta, "every office made the decision on whether to detain, and it was basically up to the [juvenile probation officer] in charge that night... Sometimes they would detain just because they didn't know a kid. Now when they call in, we can pull up a kid's history on the computer." (New Mexico's reforms are described in more detail beginning on p. 50.) In addition, Virginia has adopted uniform statewide detention screening procedures in recent years and, as part of its statewide JDAI initiative, New Jersey is working on a single screening instrument.

States can also enhance local detention practices (both in rural and non-rural jurisdictions) by requiring timely processing of juvenile cases to ensure that youth do not linger in detention unnecessarily. As part of its new children's code, for instance, New Mexico now requires that detention hearings be convened within 24 hours for any young person sent to detention.

*Structure financial incentives in ways that encourage localities to limit their reliance on locked detention and to develop alternatives.* Compounding their lack

of fiscal resources for detention reform, many rural justice systems operate in states whose funding formulas undermine effective detention practice by creating financial incentives for localities to overutilize detention. For example, some states pay some or all the costs of detaining youth but provide no funding for community-based home detention, intensive supervision, or other detention alternatives. “As a result, some poor counties are going to depend on secure detention placements because they are not going to have to pay for it,” notes Earl Dunlap of the National Juvenile Detention Association.

*Provide flexible resources that counties, courts, and multi-county partnerships can use to support new and improved detention programming.* Several states provide support for new and improved programming to support detention reform in rural juvenile justice systems using the flexible funding they receive from the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) to provide local grants for new and innovative programming. In Oregon, CEOJJC receives flexible funding from two different state programs—a total of roughly \$400,000 per year to support local detention and correctional programming. New Mexico and both the 2nd and 15th judicial circuits in Illinois financed new detention alternative programs with grants secured from the state advisory group, which distributes funds from OJJDP. For two decades now, North Dakota has utilized the bulk of its OJJDP funding to support an “attendant care” detention alternatives program as well as other juvenile detention programming.

*Provide leadership by convening local juvenile justice officials, delivering information and training on best practices, and encouraging local action and innovation in detention reform.* Among the 23 states that have launched statewide JDAI replication projects, local juvenile judges, probation officers, court officials, and detention center administrators are consistently invited to workshops, trainings, and other educational sessions (underwritten in many cases by the state’s advisory group) where they can learn about the technologies and underlying philosophy behind JDAI. Also, statewide JDAI leaders—as well as national JDAI consultants—often visit communities and provide on-site advice and technical assistance, particularly in communities that become JDAI replication sites.

### NEW MEXICO: STATEWIDE JDAI PROJECT BOOSTS RURAL DETENTION REFORM

Since New Mexico's Bernalillo County began participating in JDAI in 2000, the county (which includes Albuquerque) has reduced its average daily detention population by half, launched a continuum of successful detention alternative programs, and opened an innovative adolescent mental health clinic. In 2004, Bernalillo was named a model site for JDAI nationally.

Based on Bernalillo's successes, detention reform has spread throughout New Mexico, with considerable support from state government: (1) providing technical advice and encouragement for rural jurisdictions interested in detention reform; and (2) enacting laws that require all jurisdictions to adopt important detention reform practices.

#### *Supporting Local Detention Reforms*

In 2003, New Mexico's legislature updated the state's children's code to specifically limit the use of detention—requiring that no young person be admitted into any secure detention facility state-

wide until he or she is assessed and deemed a substantial flight risk or threat to public safety, and requiring that petitions (i.e., formal charges) be filed and a detention hearing held within 24 hours for any youth initially placed into detention.

### STATEWIDE LIMITS ON THE USES OF DETENTION

*New Mexico Children's Code, as Amended in 2003:*

#### *Criteria for detention of children.*

- A. Unless ordered by the court pursuant to the provisions of the Delinquency Act [32A-2-1 NMSA 1978], a child taken into custody for an alleged delinquent act shall not be placed in detention unless a detention risk assessment instrument is completed and a determination is made that the child:
  - (1) poses a substantial risk of harm to himself;
  - (2) poses a substantial risk of harm to others; or
  - (3) has demonstrated that he may leave the jurisdiction of the court.
- B. The criteria for detention in this section shall govern the decisions of all persons responsible for determining whether detention is appropriate prior to a detention hearing, based upon review of the detention risk assessment instrument.
- C. The department shall develop and implement a detention risk assessment instrument. The department shall collect and analyze data regarding the application of the detention risk assessment instrument. On January 1, 2004, the department shall provide the legislature with a written report with respect to its collection and analysis of data regarding the application of the detention risk assessment instrument.

Since 2005, whenever any young person in the state is arrested and deemed a potential candidate for detention, local authorities must phone into a "Statewide Central Intake" center where staff access prior records about the youth, input data about the new offense, and calculate a risk score. If the score falls below the cut-off level for detention, the locality can only override the decision and detain the youth with formal approval from the state. This call-in center is especially critical for rural jurisdictions that do not have the personnel or MIS infrastructure needed to conduct detention screening on a 24/7 basis.

In 2005, New Mexico's Department of Children, Youth, and Families created two permanent full-time positions (statewide JDAI coordinator and deputy statewide coordinator) to support detention reform efforts around the state. State coordinator Stephen Archuleta works with judges, probation officers, and other local officials to generate an understanding of detention reform, to analyze local detention data, and to identify practices that inflate the use of detention, such as delays awaiting mental health assessments or placements, or high numbers of youth detained on technical probation violations.

In addition, Archuleta works with communities to develop plans and prepare grant proposals for new detention alternatives and improved case processing practices.

### ***Supporting Rural Reforms***

Not surprisingly, Archuleta confirms unique detention reform challenges in rural communities. "The reality is that there are not a lot of providers in many rural areas who can deliver alternative programs," he says, "so the alternatives are more rapidly available in urban areas." With Archuleta's assistance, several jurisdictions have applied for and received grants through the state's Juvenile Justice Advisory Board to support new rural detention reform efforts and related initiatives, including grants to:

- contract with HMOs to conduct mental health assessments promptly;
- set aside beds in existing facilities for occasional use as shelter space;
- purchase computers for rural detention centers that, until very recently, still processed their cases entirely on paper; and
- supply GPS technology so electronic monitoring is possible when families lack phone service.

### **NEW MEXICO: STATE SUPPORT FOR RURAL DETENTION REFORM**

<b>Goal</b>	<b>Strategy</b>
1. Eliminate excessive or inappropriate use of secure detention	Amend state's Children's Code to strictly limit the allowable uses of detention.
2. Assure equal treatment of youth in detention screening	a. Create a statewide risk assessment instrument. b. Establish a centralized detention screening call-in center. c. Require local probation staff to contact the call-in center before detaining any young person.
3. Require prompt processing of juvenile cases	Amend state's Children's Code to require that: a. A preliminary inquiry take place within 2 days of arrest for any youth held in detention; and b. An adjudication hearing be held within 30 days of arrest for all youth held who remain in detention pending adjudication.
4. Improve decision-making through better use of data	Develop online SARA database, which includes detention and juvenile offending histories of all youth statewide, plus real-time data on detention utilization in all detention facilities statewide.
5. Encourage and facilitate local detention reform efforts	Hire a statewide JDAI coordinator and an assistant coordinator within state government to promote detention reform, assist in planning, and provide grantwriting assistance to fund detention alternatives and other new detention reform strategies.
6. Provide financial assistance to local detention reform efforts	Make local detention reform a high priority in the allocation of federal OJJDP funds.

**Lesson #3: Adopt Specialized Tactics to Make JDAI Fit the Rural Context.**

Whether or not they team up with adjacent jurisdictions or tap resources and expertise from state government or nearby metropolitan areas, rural jurisdictions can overcome their special detention reform challenges by adopting promising tactics that have proven successful in other states and communities. In most cases, these innovative tactics fall into three categories.

*First, develop and maintain the capacity to monitor and supervise youth on an as-needed basis.* The most obvious and immediate difficulty facing many rural communities involves geography and transportation: how to safely supervise young people where the population is not large enough to support ongoing detention alternative programs (like day/evening reporting centers) or a dedicated shelter, and where long distances and poor transportation options make it cost-prohibitive to pay probation officers, case workers, or trackers to visit and supervise youth on home detention. In more isolated rural communities, the challenge can be even more fundamental: how to avoid the unacceptable choice between locking up youth with adults in the local jail or releasing them without supervision even in cases where they pose serious risks and/or a guardian cannot be located.

In Illinois' 2nd Judicial Circuit, participating counties have addressed this need by expanding the use of electronic monitoring for home detention, which enables authorities to track the whereabouts of pre-adjudicated youth without the need for frequent face-to-face visits.

Often, notes Paul Lawrence, a state district court judge in New Hampshire and a leader in that state's detention reform efforts, "services in less urbanized areas aren't available, especially quickly. So you find yourself just looking for a bed, somewhere that kid can sleep for the night." To address this need, New Hampshire has used federal juvenile justice funds to support a statewide network of "youth attendant" programs to supervise youth who do not require detention but need supervision and a place to sleep. In some jurisdictions, the program is overseen by police departments, which set aside a designated room in the police station and bring in off-duty police officers to supervise youth.

*Second, take advantage of existing programs and facilities for children and youth.* While youth attendant programs can give rural jurisdictions a safe, appropriate, alternative to secure detention when a youth's family cannot be located, or when family members need time to cool down following a domestic disturbance, they are only a short-term solution—appropriate for at most a handful of days. For youth who require ongoing supervision and out-of-home accommodation, rural justice systems also need access to shelter space.

Given the small caseloads in most rural communities and the limited budgets available, however, it is seldom affordable for rural jurisdictions to develop and fund their own youth shelter program. Rather, rural detention officials must forge creative, flexible partnerships with existing youth programs and facilities to contract for shelter care on an as-needed basis.

In Oregon, three CEOJJC counties have contracted with local youth homes to provide shelter beds for youth who might otherwise be detained. In addition to providing a more constructive environment for youth, says Molly Rogers, the cost of shelter care is far less (\$75 per night) than the typical cost of detention (\$135 per night). Likewise, Lea County, New Mexico has arranged with a local youth facility to make beds available to youth who are low- or moderate-risk but whose parents are unable or unwilling to pick them up and take them home.

*Third, make special arrangements to ensure that juvenile cases can be processed promptly.* Because juvenile court sessions are held less frequently, and because transportation barriers often make it difficult to convene a hearing on short notice, rural communities face a far more difficult challenge than their urban peers to review and process detention cases in a timely fashion. Yet, innovative JDAI sites are proving that these difficulties can be overcome by developing procedures to make sure that all key players are regularly on call to process cases when new developments arise; and by negotiating prior approval for detention and/or probation officials to move cases forward without the need for a court hearing and/or judge's order.

In Illinois' 2nd Judicial Circuit, Judge George Timberlake instituted a daily 8:30 a.m. detention call to make a detention determination about any youth who has been taken into custody, and to address the case of any detained youth whose circumstances have changed. "Everyone knows that they have to be available for that call," Timberlake says—the judge, state's attorney, defender. "No matter what else is happening, you need to make yourselves available." In Illinois' 15th circuit, says John Payne, "We changed our processes so that now, any time we have a child brought to detention, we're going to bring him in for a hearing the next day." Previously, youth might have been detained up to a week before a detention hearing was held.

In central and eastern Oregon, where juvenile cases are typically heard just once per week, juvenile departments in all of the counties participating in JDAI have been given authority by their county judges to release youth from secure detention as circumstances warrant. No longer must youth remain in detention for extra days waiting for the next week's court session. In addition, when CEOJJC counties presented their new continuum of graduated sanctions and incentives in November 2007, all of the local judges agreed to allow juvenile department staff to adjust supervision levels and apply sanctions or incentives on their own authority, thereby significantly shortening case processing times.

*Employ modern communications technology to overcome long distances and travel times.* Though few jurisdictions have taken full advantage, modern communications technologies offer promise to help rural counties overcome geographic and transportation-related barriers. Oregon counties are utilizing video conferencing technologies to facilitate psychiatric consultations for kids in far-flung communities and for family counseling sessions to work out plans that will help youth prepare to leave detention, get along better with their families, and avoid a recurrence of the behavior that got them in trouble initially.

As noted earlier in this chapter, New Mexico has created a centralized call-in center to conduct detention screening assessments for all youth statewide, day and night, 365 days per year. The state is also developing an elaborate new database that will provide immediate online access to the offending records of all youth in the



state, plus their prior involvement in detention and other facets of the juvenile justice system. In addition, the database will provide state and local detention officials as well as judges with a wealth of real-time information about the detention population—including number of youth currently in detention, length of stay, overrides of the risk assessment instrument, reasons for detention (pending placement, awaiting an assessment, technical probation violation), and more.

According to state JDAI coordinator Stephen Archuleta, “The new system will flag the kinds of situations that allow kids to remain in detention too long, or permit kids with low risk scores to enter detention.”

## IN THE END, A QUESTION OF LEADERSHIP

In the end, the most important message of this report is that rural communities can succeed in detention reform, and they must. **Rural communities must pursue detention reform because the core principle of equal justice under the law requires it.** Rural youth are entitled to the same quality of justice as youth residing in more populous areas. As noted in the opening chapter, justice is justice. Rural young people deserve no less.

Moreover, **the evidence is clear that rural communities can succeed in detention reform,** just as the counties in the Central and Eastern Oregon Juvenile Justice Consortium and Illinois' 15th Judicial Circuit are succeeding. In order to do so, they must remember a handful of core lessons.

First, **while rural communities face unique challenges due to their geography, small caseloads, and scarcity of resources and local expertise, none of these challenges prevent rural communities from undertaking or succeeding in detention reform—**and none should be accepted as an excuse for inaction. Indeed, rural communities also possess important strategic advantages over their urban and suburban counterparts in pursuing detention reform.

So far as the financial resources required for detention reform, **innovative rural jurisdictions are showing that even small budgets can sustain detention reform efforts when local leaders are creative in pooling their funds, redeploying existing budgets, and securing additional funds from their states, the federal government, and/or private foundations.**

Another crucial lesson emerging from successful rural detention reform efforts is **the importance of collaboration—**counties working together in multi-county partnerships, state government providing active support to rural jurisdictions in support of detention reform, local agencies cooperating and working together to provide coherent and holistic case planning and programming for justice-involved youth. Likewise, **a number of special tactics show great promise to boost rural communities' success in detention reform—**everything from daily court calls

to expedited detention case processing, to detention alternatives like youth attendants and resource homes, to video conferencing that enables meetings to occur even when transportation barriers make face-to-face meetings time- or cost-prohibitive.

Ultimately, however, collaboration and special tactics are not as effective without determined leadership to drive the detention reform process and to develop a consensus among local officials in support of detention reform's underlying principles.

In his work promoting local detention reform efforts around New Mexico, statewide JDAI coordinator Steve Archuleta has learned that no matter how much support and encouragement he provides, **the success of rural detention reform efforts ultimately depends on strong and persistent local leadership.** "You definitely need to find a champion in that community, someone who's going to work on it day in and day out, long after we've given our presentation and made our case and driven back to Albuquerque," he says.

In Illinois' 15th circuit, Judge John Payne worked extremely hard to raise resources and develop new detention alternative programs, but he says that the most important and beneficial change was intangible—a shift in mindset.

"We just decided that we're not going to allow a youth to sit in detention over the weekend anymore just to teach him a lesson or because it's more convenient for us," Payne says.

Often, the detention reform process requires local leaders to embark on an intellectual and philosophical journey. Juvenile judges in Illinois' 2nd circuit have undergone a "cultural change," says Judge George Timberlake: "It's really changed the way we think about kids in detention. Now, just because a kid fails to appear doesn't mean you have to arrest them. The judges focus more on the child's treatment now, and not just on their non-compliance."

Even in central and eastern Oregon, long a haven for progressive approaches to juvenile justice, participating in JDAI has led to a subtle but important philosophical shift. Prior to JDAI, "we were already thinking that our current use of detention didn't seem healthy to us," reports Molly Rogers of CEOJJC. Now, she

says, “we all agree that detention isn’t an effective sanction...Detention should only be used to protect public safety.”

Is rural detention reform difficult? Certainly. Do geographic and transportation barriers, scarcity of resources, and other factors complicate detention reform efforts in rural communities? Absolutely.

But once rural leaders like Rogers, and Timberlake, and Payne embrace detention reform, and once a local consensus emerges in a rural community behind the core principles of detention reform, progress is not only possible—it’s practically inevitable.

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## Endnotes

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