



JUVENILE JUSTICE - A LOOK BACK AND A WAY FORWARD: Creating an Environment that Promotes Positive Outcomes for Youth

By Laura Maiello

“Juvenile Court judges must make critical decisions about the cases that come before them on a daily basis, including orders to detain or commit youth to secure confinement in the interest of public safety and/or rehabilitation. These facilities, repositories for the care and custody of the youth they serve, have evolved over the years in response to the prevailing attitudes toward juvenile delinquency and the perceived role of those responsible for addressing it. The dictionary defines philosophy as “the most basic beliefs, concepts and attitudes of an individual or group” and mission as “a specific task to which a person or group is charged.” This article takes an historical look at the evolution of youth corrections and the impact of philosophical mission on a facility’s operation and architecture, from early times to today.

Undoubtedly, the least restrictive interventions provide the most effective outcomes for youth, and juvenile justice research has demonstrated the ineffectiveness of incarceration versus diversion and community-based alternatives. When incarceration is used, it’s becoming increasingly apparent that a normative environment and a nurturing approach promote positive youth attitudes that support successful reentry.

But this hasn’t always been the case. In Colonial times, the law didn’t draw much distinction between children and adults. Emphasis was on criminal culpability, irrespective of the age of the offender. Youth who

came into contact with the law were often imprisoned in adult jails. Not only were these facilities ill-equipped to handle youth and respond to their specific needs, children were placed there along with men, women, medically and mentally unhealthy offenders - with little regard for the influences and abuses that could result from such exposure.

REFUGE AND REFORM

In the early 1800s, reformers became concerned about the overcrowded conditions in the jails and the corruption youth experienced when confined with adults. But this interest was also directly influenced by a changing society. The transition from a colonial agriculture to industrialism, coupled with explosive immigration in the early 19th century, brought an influx of newcomers to Northeast cities (New York in particular), many of whom were foreign born, of foreign patronage, poor and/or homeless. Prominent citizens expressed growing concern over these so-called “perishing and dangerous classes,” especially children of the poor, whose parents were deemed unfit because their children were seen wandering the streets unsupervised and engaging in a variety of activities in attempts at survival. Poor and immigrant children, their lifestyles, and their social status soon became closely associated with crime, and thus emerged the notion of

“juvenile delinquency.” With it came the emergence of philanthropic associations whose mission was focused on providing “wayward youth” with asylum from their harsh lifestyles, and with the social controls perceived as lacking in their own environment.

One of the most notable was the Society for the Reformation of Juvenile Delinquents. Founded in New York City in the 1820s and first called the Society for the Prevention of Pauperism, the organization was comprised primarily of wealthy businessmen and other prominent citizens who helped to establish, through legislation, the New York House of Refuge. The original House of Refuge, a former Army barracks near Madison Square in New York City, was authorized “to receive and take...all children as shall be convicted of criminal offenses... or committed as vagrants if the court deems that they are proper objects.” The prevailing conception about these children and the philosophical mission of the House of Refuge is readily apparent in the following description from the Society:

“The design of the proposed institution is, to furnish, in the first place, an asylum, in which boys under a certain age, who become subject to the notice of our police either as vagrants or homeless, or charged with petty crimes, may be received, judiciously classed according to their degree of depravity or innocence, put to work at such employments as will tend to encourage industry and ingenuity, taught reading, writing, and arithmetic, and most carefully instructed in the nature of their moral and religious obligations while at the same time, they are subjected to a course of treatment, that will afford a prompt and energetic corrective of their vicious propensities, and hold out every possible inducement to reformation and good conduct.”

In reality, the building was anything but a refuge. The facility, and the many that followed in rapid succession, were unyielding institutions where strict control and discipline were employed. Prompt, unquestioned obedience was expected, reinforced by uniform dress, the silent system, solitary confinement, and the use of corporal punishment. Not limited to children who had committed crimes, residents also included orphans, the poor, and the “stubborn child” who was deemed incorrigible or wayward. By 1840s there were 53 such facilities across the country, each averaging about 200 youth. Some, like the New York House of Refuge, housed over 1,000 youth.

Massachusetts opened the first state-operated Reform School for Boys in 1847, followed by one for girls in 1856. Many states followed suit and the formal Juvenile correctional system was born.

COUNTRY LIVING

The transition to Youth Training Schools began in the mid-19th century. Built mainly in response to reports of brutality, deplorable conditions, and the overcrowding that plagued the Houses of Refuge and Reform, training schools placed greater emphasis on schooling and job skills, and employed the concepts of congregate living and work.

Another key concept of State Training Schools, or Industrial Schools as they were often referred to, was their location outside of the city viewed as a source of temptation and opportunity for wrong doing. In contrast, rural settings provided a simpler environment devoid of negative distractions. The availability of land allowed for a campus setting, often with separate buildings for school, administration, and living quarters. This description of the Lyman School for Boys is representative of the model: “Students lived



State Agricultural and Industrial School, Monroe Co., NY

in so-called cottages. These were large brick buildings providing shelter for about one-hundred boys in each. The top floor comprised a dormitory and the lower floors, the living space. A cottage master and usually a cottage matron ruled each cottage. This husband and wife team lived in a cottage apartment and was on duty twenty-four hours a day. The idea was to emulate the environment of a family.”

In some respects, this transition ushered in the congregate model of concentrating large numbers of juvenile offenders in one location, state administered and geographically remote from the youth’s home - a model that still pervades juvenile incarceration today, albeit with advances in treatment and programming, and without the resident “house parents” of old.

A JUVENILE COURT EMERGES – AND MATURES

The creation of the first Juvenile Court in Cook County, Illinois in 1899 marked a significant philosophical shift in juvenile law, and as such in the philosophical mission of the courts and youth corrections. The British doctrine of *parens patriae* supported the right of the court to intervene and provide protection of children who were not receiving adequate supervision or care at home. All youth under the age of eighteen, with few exceptions, were now adjudicated by the juvenile court and the

focus shifted from offense to offender. As such, the philosophical mission of the juvenile court shifted from punishment and reform to rehabilitation and benevolent supervision. This new rehabilitative mission provided the juvenile court with greater flexibility in addressing each case – including determining when the youth was sufficiently rehabilitated and ready for discharge.

For the next half-century or so, juvenile justice and juvenile facilities didn’t change much. However, by the mid-20th century, concern was growing over the ineffectiveness of the system, particularly the loose manner in which cases were adjudicated and the indefinite lengths of stay for many confined youth. Remedies came in the form of several landmark cases. In 1966, the Supreme Court issued a decision in *Kent v. United States*, in which the majority opinion stated, “there may be grounds for concern that the child receives the worst of both worlds [in juvenile courts]: that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children.” The following year,

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in *re Gault* decreed that juveniles had nearly same rights to due process as adults. This was seen as a way of guaranteeing that underage offenders weren't unfairly processed or punished. Protections such as formal hearings; notification of charges for juveniles facing confinement; the right to an attorney; and establishment of proof beyond a reasonable doubt corrected the legal shortcomings of the informal juvenile court. However, these measures also formalized the juvenile courts and made them more like criminal courts. In his dissenting opinion in *Gault*, Justice Potter Stewart suggested that the decision might turn the focus away from "correct[ing] a condition" and towards an adversarial system where the objective was conviction and punishment.

THE PENDULUM SWINGS

At the same time, the juvenile correctional system was increasingly viewed as ineffectual, and in the 1970s, experts strove for "deinstitutionalization" and a gentler approach. Massachusetts, the first to open a state-operated juvenile facility, was also the first to replace its large state training schools with smaller facilities and community-based services. The "Massachusetts Experiment" helped open the door to reform and several states followed suit by deinstitutionalizing their juvenile correctional systems. The Federal Juvenile Justice Act of 1974 reinforced the new emphasis on community-based alternatives. The act also made provision for the separation of "status offenders"—those whose actions would not be unlawful if committed by an adult—from juvenile delinquents, and youthful offenders from adult offenders.

However, juvenile crime rose in the 1980s into mid-1990 and the public perceived that the system was too lenient. Many states passed punitive laws, including mandatory sentences and automatic waivers to adult court for certain crimes. The get tough sentiment of the period caused changes to be implemented to the juvenile justice system that made it increasingly similar to the adult criminal justice system. The late 1990s saw growing concern over highly publicized and violent juvenile crime. A series of school shootings and other horrendous offenses caused the public to fear a new breed of "juvenile super-predators," defined by the OJJDP as "juveniles for whom violence was a way of life - new delinquents unlike youth of past generations." Although OJJDP and criminal justice scholars alike have since reported that the threat of juvenile violence and delinquency was grossly exaggerated in the 1990s, the sentiments of the time resulted in significant changes to our approach to juvenile crime and corrections. The shift that Justice Stewart had predicted in 1967 with the implementation of formal trials for youth, was soon reflected the view that juvenile offenders were not youth in need of rehabilitation, but young dangerous criminals to be contained and punished. Interestingly, the juvenile codes rewritten by many states containing punitive objectives also maintained wording reflective of the more traditional rehabilitative mission of the courts; and a 2001 survey found that 80 percent of adults thought that rehabilitation should be the goal of juvenile correctional facilities.

Nonetheless, the momentum gained during the deinstitutionalization movement was replaced with a renewed reliance on secure detention and incarceration. And with the change in philosophical mission, these facilities often mirrored their adult counterparts in terms of scale and physical

attributes. Unfortunately, the outcomes have been equally as grim, with many states reporting recidivism rates well over 50 percent - some as high as 75-80 percent.

WHAT NOW?

The 21st century has brought a renewed approach to juvenile justice — one that is informed by evidence-based research and practices. Much has been learned about what works with youthful offenders, and programmatic interventions have been developed around these metrics. The OJJDP Models Program Guide includes a database of over 200 evidence-based programs, covering the entire continuum of youth services from prevention through sanctions to reentry. The most effective approaches are comprehensive, community-based models that integrate a continuum of options, services, graduated sanctions, and aftercare programs.

From the facility perspective, there is an increasing recognition

that large prison-like institutions are not conducive to the philosophical mission of promoting successful outcomes through evidence-based practices. The "Missouri Model" of juvenile correction continues to gain popularity. The Missouri Model—versions of which are now in use in several states—employs smaller, treatment-oriented facilities that are more like group homes than prisons. Where it has been tried, the system has reduced recidivism, escapes, suicides, and violent incidents—and has apparently led to higher rates of permanent rehabilitation.

Several factors come together to make the Missouri Model effective, and many documents are available that explain how the system works, and why. Hallmarks include the use of small, non-institutional facilities, preferably located near the offender's home, with family and community involvement and a focus on treatment. Historically, juvenile facilities emphasized compliance - the new model emphasizes change. This is accomplished in a non-threatening, non-punitive environment that takes a proactive, therapeutic approach to supervision, employing trained development specialists rather than untrained

custodians, and encouraging an ethic of group interdependence, in which the juvenile takes responsibility for his own actions while at the same time helping others. Typically, the youth sleep in dormitory-style units. Fights are rare, and members of a unit are taught to "circle up" and talk the problem down before it escalates. As a result, in the state of Missouri, fewer than eight percent of youths in the new juvenile system return to these facilities once discharged, and fewer than eight percent go to adult prison. One-third of the youths earn a high school diploma or GED inside these facilities, and 50 percent go back to school on the outside, according to Missouri Division of Youth Services officials.

"The recidivism data have been pretty consistent for the past 10 to 15 years", says Mark Seward, director of the Missouri Youth Services Institute in Jefferson City. "Between seven and eight percent will return in the year following discharge. In other systems, that percentage ranges from 30 to 70. Suicide is rampant in some states; our system hasn't had one in 40 years. Sexual predation is a huge problem in many facilities; here it's an issue that comes up every few years rather than every few days. If someone tries to slip drugs in, the other kids will tell him, 'Get rid of it, or you'll get us all in trouble.'"



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THE BUILDING AS A THERAPEUTIC TOOL

Implementing this kind of an approach requires a different kind of facility. Unlike large institutions that house upwards of 50 youth in one living unit, smaller living units of 12 beds or so allow for positive, proactive supervision and a high staff to resident ratio that encourages mentoring relationships and an “eyes on”, “ears on” and “hearts on” approach. A residential, homelike environment is non-threatening and provides a sense of personal space, important elements considering that many youth entering the juvenile justice system come with trauma histories including exposure to violence and abuse by authority figures.

Sheila Mitchell, chief probation officer for Santa Clara County (Calif.) insists that it's not necessary to have the proper physical plant entirely in place before incorporating these concepts. “We're going through a major reconstruction now; we didn't have the funds for it before,” Mitchell reports. “We had to start with makeshift units, but we wanted to get the program going. You don't need a new plant to initiate change. It's a matter of making the commitment to go the distance.” The existing facility's single, open-plan dorm with 84 beds was divided into seven smaller living units of 12 boys each. With the help of Steward's methods, violence and harassment became non-issues, even with members of rival gangs bunking side-by-side, as often happened.

Cambiar (to change) New Mexico also began to transition from large, centralized institutions to a series of smaller, community-based facilities modeled after Missouri. The pilot initiative began with a transformation of a stark, jail-like housing unit into a residential-like cottage. Initial assessments by the Children, Youth and Families Department found that the new environment, coupled with the appropriate staff training, resulted in fewer incidents, more program participation, and improved test scores for students.

ENVIRONMENT CUES BEHAVIOR

“Lots of states today still place kids in cells, in a spare, sterile, correctional environment with clanking doors and so on”, explains Seward. “Those kids will act like inmates. Here, instead of being looked up to because you can beat other people up, you're looked up to if you're a leader.”

Ken Ricci, founder of Ricci Greene Associates, an architecture firm specializing in juvenile justice planning and design, agrees. “Environment cues behavior,” he says. “We try to provide environments in which there's an expectation of normal behavior. You may be in detention or residential placement but we still want to give you sunlight, views, a normal noise level, fairly constant temperatures year-round. We want direct supervision and no bars, because if you cage someone up like an animal, he'll behave like an animal.”

Tim Decker, director of the Missouri Division of Youth Services concurs that the ideal youth facility is “non-correctional in nature,” with no bars, cells, or mechanical security devices. Some of Missouri's 32 youth facilities are new, Decker says, and some were converted from other uses, but all provide for separate residential units for smaller groups. “We try not to buy into the traditional adult correctional mentality when we design our programs,” Decker explains. “You have to think of what you would want the facility to be like, if your child were the next one in the door. You'd want him to be treated for his problem, but with basic human dignity; you'd want him to be grounded in a belief that he'll succeed, that he can turn his life around. You want to create environments that are structured but humane, and enforce positive growth and development.”

“The foremost principle of this approach is to keep the kids in small groups,” Steward concurs. “Then you make the facility friendlier, with less metal, some color on the walls, rugs, places for group meetings. With just those small changes, you'll feel a difference. And then, the kids understand that the staff is there to help, rather than just sitting there with a can of mace.”

“The building is a tool for achieving the client's goals”, adds Ricci. “You have to have a vision, and the vision will drive the operation—and the operation drives the design considerations. We strongly believe that the building's architecture can – and should – promote the programmatic mission of the facility - built around the concept of human dignity for residents and staff alike. Facility staff has told us that they used to go home with a headache every night,” he remarks. “In one of these new facilities, they don't. These facilities are smarter, greener, and kinder—not noisy or dangerous or dehumanizing.”

This is accomplished by what is called normative design. Sunlight and views of the outside lift the spirits and reduce heart rate and blood pressure. Small living units with durable furniture of a more residential type, rather than tables bolted to the floor, powerful acoustical panels, and cheerful colors provide a normative, non-institutional environment. The scale and character of the building is welcoming, to support important community linkages and family involvement within the facility during the youth's stay. In secure facilities, the building provides the secure perimeter, eliminating the need for fencing or razor ribbon, which also makes the facility a “good neighbor” aesthetically to the surrounding community.

These design concepts are applicable to juvenile detention facilities as well as where the short term nature and legal status of the population makes programming challenging. The Union County Juvenile Detention Center in New Jersey is a secure detention facility that transcends stereotypes. Described as ‘optimism that belies the building type,’ the facility is colorful, flooded with sunlight, and offers a variety of spaces for programs, services, recreation and sanctuary. “This is a beautiful building that provides kids in trouble with a secure, safe, comfortable and positive place to overcome their problems,” says Frank Guzzo, Director of Human Services, “if it wasn't a correctional facility, it would make a great school.”

The facility provides numerous opportunities for positive youth development through school, counseling, family involvement, recreational programs, and volunteer contact – activities that were all but impossible to achieve in the small, outmoded, and dismal original facility located atop a parking garage. In stark contrast, the new detention center dedicates almost 40 percent of the building to programming and service delivery: multiple classrooms, counseling offices and group rooms, plenty of indoor and outdoor recreation areas, and varied, ample spaces for family visits and volunteer involvement. “Today,” says Guzzo, “incarceration is secondary. It's programs, programs, programs; you've got a captive audience that will eventually return to the community”.

BUILDING “EFFECTIVENESS”

A recent issue of the facility's volunteer newsletter highlights an impressive blend of special and weekly programs including outdoor movies, talent shows, International Night, cultural groups, religious programs, arts, yoga, book club, and the facility garden. These restorative activities promote responsibility, accountability, self-respect, and positive youth development. This facility recently won an international award for “building effectiveness.” But one youth resident summed it up best by saying, “your services made me realize that I was damaging my community when I could be contributing better to it... you help us find guidance in our ways... I really want to get out and help others in bad predicaments... thank you.” Now that's an effective facility!

ABOUT THE AUTHOR:

Laura Maiello is an Associate Principal with Ricci Green Associates. She has assisted many jurisdictions in juvenile justice system planning and facility design, promoting the concepts of positive youth development and normative design - including the award winning Union County Juvenile Detention Center in New Jersey.