



POSITION STATEMENT

Adopted by NPJS Board of Directors ~ October 20, 2014

DETENTION AS DISPOSITION

STATEMENT OF THE ISSUE

The purpose of juvenile detention has historically been for “the temporary and safe custody of juveniles whose alleged conduct is subject to court jurisdiction and who require a restricted environment for their own and the community’s protection while pending legal action” (Definition of Juvenile Detention, as revised by National Juvenile Detention Association in 2007). However, use of juvenile detention facilities by the court as a disposition continues. This practice has been accompanied in many jurisdictions with statutory changes authorizing such use.

NATURE OF THE ISSUE

- Use of juvenile detention facilities, without any supplemental behavioral health intervention, as a dispositional option emphasizes punishment over behavior change.
- Use of juvenile detention facilities as a dispositional option mixes populations and may adversely affect treatment or programming.
- The academic needs of youth in short term detention are significantly different than those of youth in longer term dispositional care. Co-mingling of these youth provides a disservice to each population.
- Use of juvenile detention facility as a dispositional option may aggravate overcrowding in juvenile detention centers.
- Use of juvenile detention facilities as a dispositional option is often utilized simply because other, more preferable, alternatives are not available.
- Use of juvenile detention facilities as a dispositional option discourages the development of more appropriate, less costly alternatives.
- Use of juvenile detention facilities as a dispositional option may result in the negative influence of institutionalization and deny the opportunity for positive experiences in the community (i.e. school, religious activities, sports, family involvement).

- Physical plant design for short term facilities may not provide for the programming needs of youth who are in care for longer periods (i.e. space for activities, visitation, service provision, etc.)
- Staffing (e.g. recruitment, selection, training and skills, staff ratios) for short-term detention facilities may not be adequate to meet the needs of youth placed as a disposition.

POSITION STATEMENT

The National Partnership for Juvenile Services (NPJS) opposes the use of secure detention programs as a disposition. Juvenile detention programs are primarily designed to provide a secure environment (both structurally and through staffing) to protect the individual, community and when necessary to ensure a court appearance.

However, NPJS does support the use of secure facilities when disposition requires facilities to provide services that are designed to address criminogenic factors and result in constructive re-entry to the community. This may at times involve the use of buildings historically used as detention, when:

- Youth placed for disposition are segregated from pre-dispositional youth,
- The operations offer individualized and accelerated educational programming that will allow youth to be successful upon reentry to the community,
- The operations ensure that the programming and behavior management system are integrated to meet the behavioral health needs of the youth and promote sustainable pro-social behavior change,
- The operations provide comprehensive assessment of criminogenic needs and youth/family strengths and establish individualized intervention plans that lead to positive reentry, and
- The operations provide opportunities and strategies to effectively engage family and community resources designed to successfully reintegrate the child back into society as a productive citizen.

The Partnership discourages the use of any dispositional option that is not supported by evidence to improve outcomes and/or diminish recidivism.