



The Advocate

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A newsletter on children's issues

April 2005



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Calendar of Events

Events relating to helping children are available at:
www.tennessee.gov/tccy/webcalen.html

TCCY

For more information on the Tennessee Commission on Children and Youth and its programs, check out the website at www.tennessee.gov/tccy

Tennessee Commission on Children and Youth

Andrew Johnson Tower
 9th Floor
 710 James Robertson Pkwy.
 Nashville, TN 37243-0800
 (615) 741-2633
 (615) 741-5956 (fax)

Legislation to Provide Alternatives to Detention

Legislation to address juvenile detention issues is pending before the Tennessee General Assembly. These bills were drafted following the collaborative work of the Select Committee on Children and Youth (SCCY) and the Tennessee Commission on Children and Youth's Disproportionate Minority Contact/Confinement (DMC) Task Force. (See HJR Report on page 3.)

Representatives of the Annie E. Casey Foundation's Juvenile Detention Alternative Initiative (JDAI) came to Tennessee in January to speak to the Select Committee's Sub-Committee on HJR 890 and to participate in the TCCY Children's Caucus event and a roundtable discussion with representatives of communities and juvenile courts interested in JDAI. As a result of these and other discussions, the SCCY approved three bills designed to lay a foundation for detention reform efforts in Tennessee.

SB 1769/HB1291, sponsored by Senator Curtis Person and House Speaker Pro Temp Lois DeBerry, both SCCY members, directs TCCY to work with a broad range of stakeholder representatives (juvenile courts, district attorneys, public defenders, law enforcement, mental health, schools, etc.) to develop a Risk Assessment Instrument (RAI) that could be used by persons making decisions about placement of children in detention at the pre-adjudication phase. A report is due to the SCCY by January 15, 2006.

The purpose of developing and implementing such an instrument is to ensure the right youth are actually placed in secure detention. Risk Assessment Instruments have been successfully used in other jurisdictions. They provide objective criteria for making detention decisions and result in detaining only youth who are likely to fail to appear in court for hearings or are likely to compromise community safety by reoffending before adjudication.

In jurisdictions that have used Risk Assessment Instruments, clearer statements of the purpose of detention, and alternatives to detention as part of broader

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JDAI 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.

Annie E. Casey Foundation

The Tennessee Commission on Children and Youth Cindy Durham, Chair Gallatin

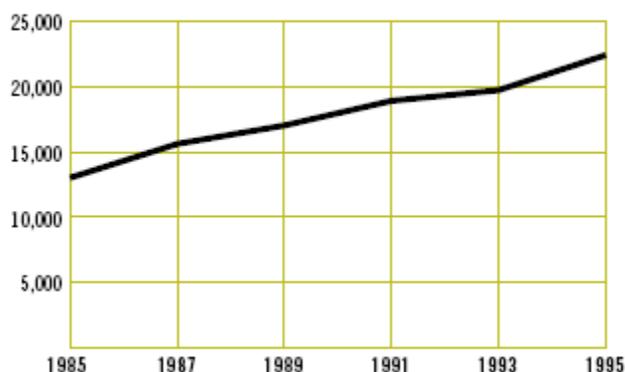
Betty Anderson Covington	E. Ann Ingram Columbia
Natasha Blackshear Nashville	Drew Johnson Johnson City
P. Larry Boyd Rogersville	Mary Lee Dickson
Sidney Bynum Fayetteville	Carlton Lewis Nashville
Dennis Clark Chattanooga	Christy Little Jackson
Beverly Cosley Chattanooga	Jerry Maness Memphis
Tabitha Dean Cordova	Sharon T. Massey Clarksville
James B. Ford Franklin	Linda Miller Memphis
Susan Glassman Germantown	Marie Mobley Goodlettsville
Tim Goldsmith Memphis	James K. Scott Oak Ridge
Marti Herndon Martin	Sue Pilon Cookeville
Trudy Hughes Maryville	Joetta Yarbro Dyersburg
Charles Hutchins Greeneville	Linda O'Neal Executive Director

Alternatives

Continued from Page 2.

strategies of juvenile detention reform, there have been reductions in unnecessary detention, reductions in overall juvenile crime rates, reductions in commitment to state custody for delinquency, and also reductions in the disproportionate confinement of minority youth.

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.

Created by the Annie E. Casey Foundation.

SB 1770/HB 1292, also sponsored by Senator Person and Speaker Pro Temp DeBerry, clarifies the purpose of detention. In situations of pending delinquent or unruly charges, it would limit placement in secure detention to youth to two purposes: 1) to assure appearance at adjudicatory hearings if reasonable cause exists to believe that he/she would not appear; and/or 2) to protect community safety if it can be objectively determined that the youth is likely to commit further offense(s).

The bill would prohibit post-adjudicatory hardware-secured detention of youth as a term or consequence of disposition for either therapeutic or punitive purposes, except in situations where the youth has been committed to state custody for placement in a youth development center, or committed to the custody of a county department of children's services established under existing law. Only Shelby County has such a department.

Tennessee currently has reasonably good detention criteria in state law, but JDAI representatives suggested revising the language would make the law on use of detention clearer.

TCCY supports this legislation clarifying that the purpose of secure juvenile detention is limited to when necessary to assure their appearance at adjudicatory hearings and to protect community safety when it can be objectively determined that a juvenile is likely to re-offend.

TCCY also supports the prohibition against using secure detention as a disposition alternative for children who are not in the custody of the Department of Children's Services or a county department of children's services.

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Alternatives

Continued from Page 3.

There is no evidence placing children in short-term detention is an appropriate or beneficial response to juvenile delinquency. Tennessee should be utilizing strategies widely recognized as effective and designated as model programs or best or promising practices.

Use of detention does not fit these categories. This legislation complies with recommendations of the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI). It provides a foundation to guide other efforts to reduce inappropriate and unnecessary use of secure juvenile detention. JDAI results have included decreases in juvenile crime and the other positive impacts listed on page 2.

The third bill, SB 1013 by Senator John Ford and HB 1289 by Speaker Pro Temp DeBerry would strengthen current law regarding data required from juvenile courts and ensure the data could be used for appropriate research purposes.

TCCY will continue to monitor this and related legislation throughout the legislative session. Information about legislation is available on the agency's website and through its Listserv. For information about the Listserv go to www.tennessee.gov/tccy/listserv.html. 

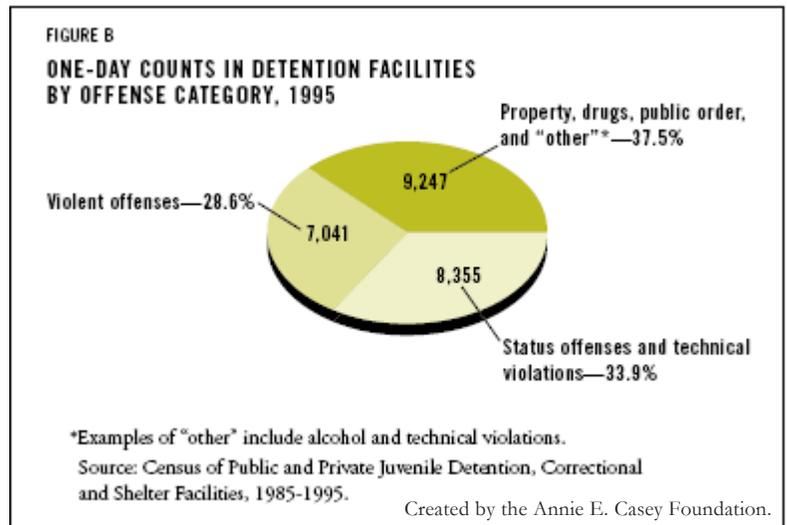
Committee Recommends Efforts to Reduce Minority Over-Representation

During the past year, the General Assembly's Select Committee on Children and Youth, as directed by House Joint Resolution (HJR) 890, has been working with TCCY's Disproportionate Minority Contact/Confinement Task Force to review available research regarding the over-representation of minorities in Tennessee's juvenile justice system. It also has been developing strategies to address the causes of this problem. The report on the committee's activities required by the legislation was released in February.

The report made four recommendations.

- ▲ In order to make well-informed decisions about addressing causes of disproportionate minority contact with the juvenile justice system, comprehensive data must be collected and made available to policymakers.
- ▲ As a result of research and study done to date, one proven DMC reduction strategy the Sub-Committee has identified centers around reform of policies and practices that govern incarceration of all juveniles and includes available and accessible evidence-based alternatives to secure detention in appropriate cases.
- ▲ Creating awareness about the existence and nature of culturally-based disproportionality is absolutely fundamental to any efforts to reduce DMC, as is the cultivation and support of competent, committed community- and systems-level leadership to guide and direct such efforts.
- ▲ The HJR 890 Sub-Committee of the Select Committee on Children and Youth should continue to meet for up to 12 months to continue identifying and exploring strategies for reducing disproportionality in the juvenile justice system.

The report is online at <http://www.legislature.state.tn.us/joint/Committees/children/reports/TGAHJR890.pdf>. 



Effective Admissions Policies

- I. Admissions policies, practices and instruments based on a clear understanding of the purposes of detention – assuring appearance and preventing reoffending.
- II. Effective admissions policies and practices rely on objective criteria to distinguish between youth who are likely to flee or commit new crimes and those who are not.
- III. Good admissions practices rely on a structured decision-making process to ensure timely, consistent screening.
- IV. Data are essential to the design, implementation and sustainability of effective admissions practices.
- V. Effective implementation of objective admissions practices requires the support of the system's key stakeholders and line staff.
- VI. An objective admissions system requires constant monitoring and quality control.

Annie E. Casey Foundation

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.

Created by the Annie E. Casey Foundation.

Casey Initiative Supports Reform Efforts

The Annie E. Casey Foundation launched the Juvenile Detention Alternatives Initiatives in 1992. The purpose was to demonstrate that detention could be used more efficiently and effectively. It dealt with the increase of children in detention and the increasing racial disparities since 1985.

Between 1985 and 1995, when a one-day census of children in detention was done, the numbers of youth in juvenile detention nationwide increased by 72 percent, rising from 60,000 to 320,000 in 10 years. The census in 1995 found that only one-third of youth in secure custody were charged with violent crime. In 1985, the racial make up of the children in detention was 56 percent white and 44 percent minority. By 1995, these numbers were reversed.

Although juvenile crime went up during this period, the majority of those held in detention centers were not the “super-criminals” of politicians’ nightmare scenarios. Fewer than 30 percent were charged with violent offenses, and more than half were ages 15 and younger.

The rapid increase in the number of youth in detention resulted in both increased costs and overcrowding. The number of youth in overcrowded detention centers rose from 20 percent to 62 percent, and the number of overcrowded facilities rose by 642 percent. Overcrowding resulted in loss of services and increased mental health issues for the youth and increased safety concerns for the staff.

In addition detention is a costly response. Over 20 years, taxpayers pay from \$1.3 to \$1.5 million dollars to operate one detention bed.

That a problem existed was clear, but the Casey Foundation’s decision to devote resources to this problem was also rooted in evidence of successful solutions. In Broward County, Florida, a dangerous and costly overcrowded system was reformed. The Casey Foundation began its project by funding pilot centers around the country to replicate the procedures that contributed to this reformation. 

They're All Our Children: Those in Custody Share Needs

NOTE: A bill before the Legislature would create a new state department to serve children adjudicated delinquent or unruly. The Tennessee Commission on Children and Youth voted to oppose this bill.

Mary is 17, before juvenile court for stabbing her pimp, who is also her mother's boyfriend. Sexually abused since age 11, Mary was forced by her mother and her mother's boyfriend into prostitution for the past year. As a result of her experiences, Mary has serious mental health issues.

Tom is 14, in juvenile court charged with assault for fighting in school for which he was zero-tolerance expelled for the rest of the year. Tom's parents both work long hours, but still barely get by and have little time or energy for supervising him. Tom has been experimenting with alcohol and marijuana to cope with his situation.

Sam is 16, before juvenile court charged with car theft and shoplifting food when he ran from repeated abuse by his drug-addicted stepfather. Sam is a special education student with learning disabilities, seriously behind in school and truant.

These cases illustrate why the Department of Children's Services (DCS) was created. Most youth who go before juvenile courts and wind up in state custody have a variety of personal, family and community problems. They don't fit into a tidy niche with only a single service need.

The Advocate is published by the Tennessee Commission on Children and Youth as an information forum on children's issues. The Tennessee Commission on Children and Youth, an independent state agency, serves as an advocacy agency and information resource for planning and coordination of policies, programs, and services on behalf of the state's children and youth. The 21-member Commission, appointed by the governor, works with other agencies and with regional councils on children and youth in each development district to collect information and solve problems in children's services. To receive *The Advocate*, contact Fay L. Delk, Publications Editor, Tennessee Commission on Children and Youth, 710 James Robertson Parkway, 9th Floor, Nashville, TN 37243-0800. Phone: (615) 741-2633. Fax: (615) 741-5956. E-mail: fay.delk@state.tn.us.

Services provided by multiple departments serving a variety of needs (juvenile delinquency, child welfare, mental health, truancy and other school problems, etc.) were combined to form DCS so judges could send all children needing state custody to a single department. Following a thorough assessment of child and family strengths and service needs, DCS develops a plan to meet their multifaceted needs.

Advocates, juvenile court judges and service providers had high, perhaps unrealistic, expectations that consolidation of services for children in or at risk of custody would quickly improve services and outcomes for children. Clearly all expectations have not yet been met, but it's too soon to split juvenile justice into a separate department. That would be like throwing the baby out with the bathwater.

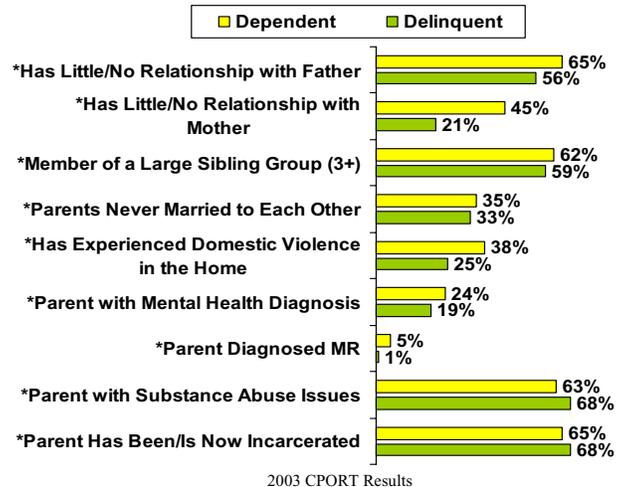
Teens in custody, regardless of adjudication, have many of the same underlying problems. Family issues include:

- ▲ Little or no relationships between fathers and their children;
- ▲ Parents who never married.

Parental issues include:

- ▲ Substance abuse and mental health problems.

Critical Family Issues Comparison By Adjudication Age 13+



Continued on Page 6.

Strategies to Address Disparities

- ▲ Formulate a vision and related policy goals.
- ▲ Create structures charged with sustaining a focus on DMC.
- ▲ Collect data and conduct research to document where disparity occurs.
- ▲ Build coalitions and alliances with communities and people of color.
- ▲ Diversity the composition of the system's work force.
- ▲ Diversify the service delivery system by contracting with organizations located in neighborhoods and managed by people of color.
- ▲ Provide cultural and racial sensitivity training for staff at all levels of every agency of the system.
- ▲ Minimize opportunities for discriminatory decisions by creating objective instruments and guidelines free of racial bias.
- ▲ Improve defense representation to increase advocacy for youth of color.
- ▲ Change the policies and practices of other systems (e.g., mental health, child welfare) to prevent "dumping" youth better served by those systems.

Children

Continued from Page 5.

Child Issues:

- ▲ Learning disabilities,
- ▲ Untreated mental health or substance abuse treatment needs,
- ▲ Psychiatric hospitalizations, and
- ▲ Considered or attempted suicide.

Teens in custody need many of the same services to make them and their families OK. Much of the push for a separate

Department of Juvenile Justice comes from believing locking up children will solve problems.

Research is clear: When we lock up kids, we have worse outcomes than with more appropriate and effective family and community based programs. *Less Hype, More Help: Reducing Juvenile Crime, What Works - What Doesn't*, a national American Youth Policy Forum report, said, "Isolating youth exclusively with other delinquent peers tends to exacerbate rather than mitigate the law-breaking tendencies of youthful offenders."

Less Hype, More Help reports training schools have never proven to effectively rehabilitate young offenders. In fact some studies suggest they actually increase recidivism compared with community-based programs.

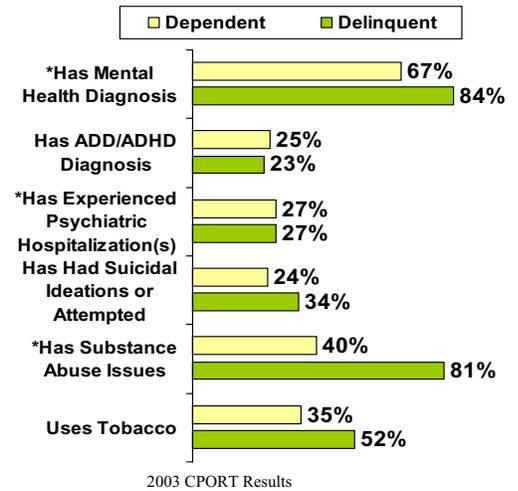
Tennessee needs to focus on evidence-based best practices - programs with demonstrated ability to reduce juvenile crime and violence. These programs have been used successfully with a variety of youth having problems ranging from conduct disorder to chronic or serious delinquency.

Providing separate departments based on adjudication would be a giant step backward for Tennessee. We have an opportunity to move Tennessee forward as a model state with an effective, integrated child welfare and juvenile justice system that ensures children are safe, communities are safe, and families are strong. We need to focus on providing services that have a track record of success, making communities safe not just today, but for the long term.

Fixing the Department of Children's Services is the best way to accomplish this goal. Creating a separate Department of Juvenile Justice is not.

Reprinted and edited from a Nashville Eye column by Linda O'Neal, executive director of TCCY, which was published in The (Nashville) Tennessean on March 16, 2005.

Critical Mental Health Issues Comparison By Adjudication Age 13+



What Works to Prevent Violence

Advocates concerned about children equal the rest of the community in their desire to keep their neighborhoods safe and crime free. Conflict arises in choosing the best methods to prevent violent teens from reoffending. A panel of experts, convened by the National Institutes of Health, in October 2004 reviewed the data available from research on programs for youth. The panel issued a report in January.

Successful programs had the following characteristics:

- ▲ Long-term provision, lasting a year or longer;
- ▲ An intensive, frequently clinical, approach;
- ▲ A focus on improving social competency;
- ▲ Skill-development for youth and families; and
- ▲ Delivered in a non-coercive setting.

“Scare tactics” don’t work, and there is some evidence that they may make the problem worse rather than simply not working

NIH Panel

The panel identified Functional Family Therapy, a family-based intervention, and Multi-Systemic Therapy, a community-based clinical treatment program working with families, for approval.

Some characteristics identified unsuccessful programs, which:

- ▲ Aggregate high-risk youth to facilitate contagion (i.e., when youth who share in common previous deviant behavior are placed together, they share this behavior together and learn from each other);
- ▲ Lack of staff supervision;
- ▲ Scare tactics;
- ▲ “Toughness” or lecturing by adults.

This recent report reinforces earlier evaluations of what works. In 1999, the Center for the Study and Prevention of Violence (CSPV) identified 10 prevention and intervention programs, or Blueprints, that meet scientific standards of proven program effectiveness and is in the process of identifying additional programs.

Other effective programs

- ▲ Prenatal and Infancy Nurse Home Visitation;
- ▲ The Bullying Prevention Program;
- ▲ Promoting Alternative Thinking Strategies;
- ▲ Big Brothers Big Sisters of America;
- ▲ Quantum Opportunities;
- ▲ Multisystemic Therapy (MST);
- ▲ Functional Family Therapy (FFT);
- ▲ The Midwestern Prevention Project;
- ▲ Life Skills Training;
- ▲ Multidimensional Treatment Foster Care.

What is missing is a substantial body of research directed at changing neighborhoods to enhance their role in protecting young people....

We were struck by evidence that moving children out of high-risk neighborhoods is associated with a reduction in delinquent behavior.

NIH Panel

For Further Information

NIH State-of-Science Consensus Report: <http://consensus.nih.gov/ta/023/023youthviolencepostconfintro.htm>

Juvenile Detention Alternatives Initiatives

Annie E. Casey Foundation

(410) 547-6600 fax: (410) 547-6624

<http://www.aecf.org/initiatives/jdai/>

Center for the Study and Prevention of Violence

University of Colorado at Boulder

(303) 492-8465; fax: (303) 443-3297

[Iwww.colorado.edu/cspv/blueprints/](http://www.colorado.edu/cspv/blueprints/) 

Office of Juvenile Justice and Delinquency Prevention

Training and Technical Assistance Division

(202) 307-5940; fax: (202) 353-9095

www.ojjdp.ncjrs.org

Coalition for Juvenile Justice

(202) 467-0864; fax: (202)-0738

www.juvjustice.org

TCCY
Regional Coordinators

Northeast Tennessee Council

Diane Wise
 1233 Southwest Ave., Extension
 Johnson City, TN 37604
 (423) 979-3200 ext 105
 Diane.Wise@state.tn.us

East Tennessee Council

Robert Smith
 531 Henley St., 7th Floor
 Knoxville, TN 37902
 (423) 594-6658

Robert.E.Smith@state.tn.us

Southeast Tennessee Council

Marilyn Davis
 540 McCallie Ave., Suite 643
 Chattanooga, TN 37402
 (423) 634-6210

Marilyn.Davis@state.tn.us

Upper Cumberland Council

Kathy Daniels
 1000 Neal Street
 Cookeville, TN 38501
 (931) 520-4445

Kathy.Daniels@state.tn.us

Mid-Cumberland Council

Jo Stanley
 710 James Robertson Parkway,
 9th Floor
 Nashville, TN 37243-0800
 (615) 532-1579

Jo.Stanley@state.tn.us

South Central Tennessee Council

Elaine Williams
 Post Office Box 397
 Columbia, TN 38402-0397
 (931) 388-1053

Elaine.Williams@state.tn.us

Northwest Tennessee Council

Dana Cobb
 P. O. Box 586
 Huntingdon, TN 38344
 (731) 986-4243

Dana.Cobb@state.tn.us

Southwest Tennessee Council

Rodger Jowers
 225 Dr. Martin Luther King Drive
 Jackson, TN 38301
 (731) 423-6545

Rodger.Jowers@state.tn.us

Memphis/Shelby County Council

Gwendolyn Wright
 170 N. Main St., 9th Floor
 Memphis, TN 38103
 (901) 543-7657

Gwendolyn.Wright@state.tn.us

Juvenile Detention Fact Sheet

Purpose of Detention

- ▲ To ensure the youth will appear in court for scheduled hearing.
- ▲ To protect society by ensuring the youth does not commit new offenses before the current case is disposed.

Problems Associated with Present Detention Practices

- ▲ High detention rates of juveniles (status offenders and misdemeanor property/drug cases) who are not a threat to society.
- ▲ Overcrowding in detention facilities.
- ▲ Unsafe conditions for youth and staff.
- ▲ Children locked down for long periods of time during the day.
- ▲ Physical and chemical restraints employed to control children.
- ▲ Inadequate education for detained youth.
- ▲ Insufficient medical and mental health treatment for youth in detention.
- ▲ Disproportionate number of minority youth confined.
- ▲ Minority youth spending more time in secure facilities than white youth.
- ▲ No uniform screening criteria applied at intake for all detention facilities.
- ▲ Conditions of confinement are often substandard.
- ▲ Few or no alternatives to secure detention.

Juvenile Detention Alternatives Initiative (JDAI) Solutions

- ▲ Develop assessment screening tool to determine need for detention.
- ▲ Collect data regarding a) type of offenses, b) times committed, c) demographics of youth committing offenses, d) areas where offenses are committed, etc.
- ▲ Establish alternatives to detention.
- ▲ Do not use alternatives for secure detention as long-term interventions.

Results of Detention Reform

- ▲ Ensures community safety while holding youth accountable for delinquent behavior.
- ▲ Reduces overcrowding in secure facilities.
- ▲ Eliminates unnecessary use of detention.
- ▲ Saves on additional staff and overtime expenses.
- ▲ Saves money by not constructing new facilities.
- ▲ Initiates objective criteria for determining placements of youth in secure facilities.
- ▲ Reduces disproportionality of minority youth in detention.

This was compiled by Debrah Stafford, TCCY's Juvenile Justice director. 



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