

Innovation Brief

Local Detention Reform Leading to State Adoption of Best Practice Detention Standards

Statewide standards for juvenile detention facilities were produced through a collaborative effort utilizing and accelerating local reforms from Models for Change sites in Louisiana. These standards have improved the expected level of safety, quality of care, and accountability within juvenile detention centers. They have also been lauded by national experts for their quality. Implementation of the licensing standards has resulted in immediate positive outcomes for youth in these facilities.

The Issue

In 2003, the state of Louisiana passed sweeping juvenile justice reform legislation and committed to dramatically improving conditions in its state facilities. This followed a growing scrutiny of violent and inhumane conditions in youth facilities, and litigation filed against the state by the Department of Justice and a local advocacy organization. The 2003 Legislation, known as Act 1225, called for, among other things, the development of uniform standards and licensing procedures for all local juvenile detention centers. These detention centers were previously subject only to voluntary licensing standards that had not been updated since the 1980s.

At the time of the 2003 legislation, there was broad recognition that the development of standards for juvenile detention centers was needed. However, there was no clear consensus as to whose responsibility they fell under, what they should be, or who should be responsible for the regulation itself. Ultimately, the single state entity envisioned by the legislation to create these standards did not come to fruition. As a result, while reform efforts in other aspects of Louisiana's juvenile justice system

proceeded, the state's sixteen juvenile detention centers remained locally controlled, with little oversight or regulation, and no clear or consistent standards of operation.

Despite the lack of statewide standards, some detention centers were making progress. A few detention centers, with the support of other system reform efforts and local leadership were already making strides to improve conditions of confinement and to raise the bar for the treatment of youth in detention. This was particularly true in sites that were participating in both the MacArthur Foundation's *Models for Change* in Juvenile Justice Reform initiative and the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative. These detention centers were focused on improving community oversight of detention conditions, reducing the number of youth entering detention through the use of newly developed screening instruments, and addressing the critical issue of disproportionate minority contact. For example, in places like Calcasieu Parish and Jefferson Parish, admissions to detention were significantly lower, while programming in the facilities themselves had improved.

Unfortunately, these improvements were not consistent statewide, and reports from elsewhere in Louisiana demonstrated that the continued lack of clear standards or oversight for detention had serious consequences in some facilities. In 2011, reports of sexual abuse in the detention center in Terrebonne Parish led to an investigation by the Department of Justice and, ultimately, a consent decree with the facility. In 2007, litigation was commenced against the City of New Orleans over conditions of confinement in its local detention center, the Youth Study Center (YSC). The lawsuit included allegations of locked fire doors with no available keys, insects and rodents biting youth, children with serious conditions being denied their medication, and suicidal youth not receiving mental health services.

Clearly, without an established set of juvenile detention center standards to govern the treatment of youth in detention in Louisiana, a substantial gap remained between facilities that were able to secure resources and the political will to improve conditions, and facilities that were not.

Innovations

Driven by the growing recognition that the development of statewide standards was a critical issue in the state's efforts to improve its juvenile justice system, and with the support of Louisiana's *Models for Change* (LaMfC) initiative, in 2010 a diverse group of stakeholders worked with State Representatives to inform legislation that outlined a process and timeline for the development of juvenile detention standards for Louisiana. While previous attempts to address detention standards legislatively had been made, these attempts either failed because of resistance to imposing standards through legislation or passed only as non-binding recommendations.

This new bill took these reform efforts further. The bill mandated the development, promulgation, and implementation of statewide standards according to a specific timeline. Most important, the bill required the standards to comport with "best practices." House Bill 1477 passed the Legislature with near unanimity. The Louisiana Juvenile Detention Association (LJDA), with

key leadership from successful local LaMfC sites, was assigned primary responsibility for developing the standards. Furthermore, the "Taskforce on Juvenile Detention," consisting of stakeholders and community members throughout the state, was created. The purpose of the taskforce was to ensure that detention administrators were closely involved in the development process, while taking into consideration the concerns of key juvenile justice system stakeholders, including the local advocacy community. In addition, to guarantee that the standards comported with best practices, technical assistance was provided through LaMfC local grantees and the Center for Children's Law and Policy, a national organization dedicated to juvenile justice reform and the improvement of conditions in juvenile detention centers. This collaborative development process helped ensure that the resulting standards were feasible, realistic, and acceptable to the facilities, advocates, and other stakeholders. This model approach successfully addressed the resistance encountered by previous efforts that sought to enact standards.

The process for the development of the language of the standards unfolded over several months, with regular meetings of the statewide taskforce to review progress, weekly meetings with the Louisiana Juvenile Detention Association and technical assistance providers, and two overnight multi-day retreats. Committees were formed to address each component of the standards. When the language for the standards themselves was finalized, significant additional work went into collaborating with the Department of Children and Family Services (DCFS- the designated licensing authority) to translate the language into licensure requirements. After months of effort, the standards were adopted and became effective January 1, 2012. Furthermore, the legislation had already set a clear timeline for licensing of facilities by 2013, so with DCFS charged with promulgating the standards, licensing efforts began immediately.

In the end, the standards for juvenile detention that were produced through this collaborative effort raised the bar significantly on the expected level of safety, quality of care, and accountability within juvenile detention centers. They

have also been lauded by national experts for their quality. Implementation of the licensing standards brought about immediate positive outcomes for youth in these facilities, including:

- The use of pepper spray and restraint chairs was eliminated, and the use of any restraints for punishment, retaliation, harassment, intimidation or as a substitute for room restriction or confinement was prohibited.
- Mandatory training was implemented that addressed, at a minimum, sexual misconduct prevention, adolescent development, needs of youth with behavioral disorders and intellectual disabilities, as well as working with youth that identified as lesbian, gay, bisexual, or transgender.
- Minimum staffing ratios of 1:8 during the day and 1:16 at night with a two staff per unit minimum were implemented.
- A clear statement of youth rights, including freedom from being subject to profanity and abuse, was developed and adopted.
- Education programming comparable to that available in the community was implemented, compliance with special education requirements was required, and protections for disciplined youth were put in place.

The standards recommend a screening instrument that is selected or developed in accordance with local juvenile justice stakeholders. Based on the information gleaned from these instruments and other detention procedures, facilities are also now required to maintain accurate data, including data on admissions and operations of the facility.

Results

Following the adoption of the standards, a series of trainings on the new standards were provided to detention facility staff and administrators. In addition, DCFS staff were trained in conducting facility assessments to ensure compliance with the licensing requirements. By July 2013, fifteen detention centers in the state of Louisiana successfully secured the resources and support necessary to fully implement the standards and become licensed. Only one facility determined that it did not have the resources needed to meet the new standards and ultimately closed. As a result of these efforts, stakeholders, policy makers and

experts agreed that significant progress was made towards improving Louisiana's local juvenile detention centers, including the accountability of the facilities and conditions for youth in their care and custody. Furthermore, according to the parishes that have adopted screening instruments and alternatives to detention, data suggest that the inappropriate use of detention, total numbers of youth detained, and lengths of stay are lower.

The long-term success of the standards will continue to be monitored through the ongoing collection of data, which before passage of the standards was not available statewide. Now, important data that will allow Louisiana to monitor juvenile detention facilities will be collected, analyzed, and reported on an ongoing basis. These include data about admissions, average daily population, average length of stay, and incident reports within facilities. These data will be a valuable tool that Louisiana can use to track long term success in improving juvenile facilities and detention reform.

Lessons

Louisiana's long path towards reforming its juvenile detention centers, which ultimately resulted in significant positive reforms that will have long-lasting, positive outcomes for youth in these facilities, make clear the importance of collaboration among stakeholders. Collaboration is necessary to ensure that the diverse perspectives of stakeholders are taken into account. For example, by incorporating the perspectives of an administrator of a juvenile detention facility in a rural area and an administrator of a facility in an urban area, the taskforce ensured that implementation of the resulting standards was feasible statewide.

The statewide conversation that occurred around the development of the standards had the added benefit of raising awareness and educating administrators about best practices and the resources available within the state. For instance, facility administrators expressed the challenges of holding youth for status offenses alongside youth in the delinquency system, while also having critical conversations about facility operations and cost to the local government.

National consultants, available through MfC, also brought invaluable experience and expertise to the table to ensure that Louisiana set the bar for standards high, and incorporated best practices in Louisiana's juvenile detention centers. For example, national consultant CCLP presented on the "Dangers of Detention" to the Taskforce on Juvenile Detention. This included the negative impact of housing youth in detention for any reason other than as a matter of public safety.

Bringing the perspectives and expertise of all of these stakeholders and experts to the table ensured that the end result was a set of standards that were reasonable for facilities to achieve, protected youth in the care of these facilities, and provided a model for other states and jurisdictions seeking to make similar reforms

The Broader Impact

This process for developing detention standards has assisted Louisiana in identifying other reforms that are needed to ensure the long-term success of the implementation of the standards. These include improving the handling of status offenders, increasing alternatives to detention, and developing an expanded array of community services to deter the need for detention and also, when necessary, supply critical re-entry services. These are particularly challenging in rural areas with fewer resources.

The development of the detention standards has generated a model for legislation, a model for targeted juvenile justice collaboration, and a model set of detention standards. These models can be transported to and translated by other states looking to improve their juvenile detention facilities. The detention standards themselves offer a baseline standard for care that extends far beyond Louisiana.

Resources

All resources available through the **Institute for Public Health & Justice** (phone (504) 568-5953; Website- <http://publichealth.lsuhsu.edu/iphj/>)

- House Bill 1477
- Juvenile Screening Instruments
- Louisiana Juvenile Detention Standards
- Model Stakeholder Collaboration
- Disproportionate Minority Contact Data Gathering and Reporting Methods
- Data Indicators for Juvenile Detention

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This brief is one in a series describing new knowledge and innovations emerging from *Models for Change*, a multi-state juvenile justice reform initiative. *Models for Change* is accelerating movement toward a more effective, fair, and developmentally sound juvenile justice system by creating replicable models that protect community safety, use resources wisely, and improve outcomes for youths. The briefs are intended to inform professionals in juvenile justice and related fields, and to contribute to a new national wave of juvenile justice reform.