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Reforming Conditions of Confinement in Juvenile Detention: Evidence-Based Research from the U.S. District Court Intervention in Cook County, IL

David W. Roush, Ph.D.¹
Juvenile Justice Associates, LLC

Gold standard research by the Crime Lab at the University of Chicago revealed statistically significant reductions in certain indicators of in-custody violence and re-arrests and returns to detention for Cook County Juvenile Temporary Detention Center (JTDC) detainees who were randomly assigned to living units with a daily behavior management program based on a combination of positive youth development and cognitive behavioral training. The research supplies third-party corroboration of the positive outcomes from the 2007 United States District Court takeover of JTDC detention operations to end the unconstitutional conditions of confinement at the facility. Initial implications and applications for juvenile detention and juvenile justice are discussed, along with possible next steps.

BACKGROUND

“Think Before You Act,” a research publication by the Crime Lab at the University of Chicago (Ludwig & Shah, 2014), details an evidence-based public policy proposal on the use of cognitive behavioral training (CBT) as a better way to achieve positive life outcomes for disadvantaged youth. The focus of “Think Before You Act” is Youth Guidance’s Becoming A Man (BAM) program, an afterschool program run in conjunction with the Chicago Public Schools that uses a series of CBT-based lessons and activities to augment social and personal skill development. Embedded in the Crime Lab monograph is a brief description of similarly powerful research

¹ David W. Roush, PhD, is a juvenile justice consultant and senior counselor with Juvenile Justice Associates, 5 Locust Court, Albion, MI 49224. The author appreciates the helpful comments of John Albright, Carol Brooks, Robert Dugan, Earl Dunlap, William Kern, Wayne Liddell, and Philippe Magloire on an earlier version of this article. For more information, he can be contacted at roush@msu.edu.

findings from a related CBT intervention at the Cook County Juvenile Temporary Detention Center (JTDC) focusing on positive life outcomes for juvenile justice system-involved youth, especially youth of color. The Crime Lab's JTDC findings will be fully detailed in a forthcoming monograph.

The Crime Lab's juvenile justice findings are from the United States District Court (Northern District, Illinois) reform of unconstitutional conditions of confinement at the JTDC. Cook County is the birthplace of the juvenile court and the origin of juvenile detention. Dedicated on August 7, 1907, the three-story Chicago Juvenile Court building or the Arthur J. Audy Home for Children at 202 Ewing Street in Chicago provided detention housing for 53 delinquent boys, as well as housing for 50 dependent boys and girls. In 1973, a five-story facility was completed and named the Cook County Juvenile Temporary Detention Center. The facility has 30 separate living units (pods) each accommodating 16 to 18 residents with an estimated capacity of 498 residents.²

In June 1999, the American Civil Liberties Union (ACLU) filed a class action lawsuit against the County of Cook in U S District Court [*Doe v. Cook County*, No. 99 C 3945, 1999 WL 1069244 (N.D. Ill. Nov. 22, 1999)]. The lawsuit alleged that the JTDC violated the constitutional rights of its residents by (a) depriving them of adequate medical, dental, and mental health care services; (b) denying them sufficient access to educational programs; and (c) subjecting them to violence, abuse, neglect, and unfair discipline. The ACLU told the court, "Experts from the John Howard Association said the Juvenile Detention Center was plagued by overcrowding and understaffing." ACLU reported that JTDC populations often exceeded 600 youth and had risen at one point to 800³ or 160% of capacity, and overcrowding at this level predictably deteriorates protection from harm indicators.

The US District Court's compliance administrator reported several years later that the conditions and services were still inadequate and, thus, the ACLU filed a Motion for a Receiver in 2007. Later that year, the Court intervened and appointed Earl Dunlap as the Transitional Administrator (TA) with the necessary administrative and operational authority. Also of historical significance, the Illinois Legislature passed Public Act 095-0194 (House Bill 236), effective January 2008, which transferred the administration of the JTDC from the Cook County Board to the Chief Judge of the Circuit Court of Cook County.

Dunlap, the former Executive Director of the National Partnership for Juvenile Services (NPJS), developed and implemented the TA plan to remedy the unconstitutional conditions and to transition the facility to the Chief Judge. The TA plan benefited from numerous sources of advice and guidance, including special reports by the Chicago Bar Association (CBA) Blue

² Since the 1980s, the operating capacity of the JTDC has been lower than its rated capacity, which remains true today. Changes in the detainee population combine with an aging facility to justify an ongoing rethinking of a capacity to less than 498. Former JTDC Superintendent James M. Jordan told participants at the 1982 annual meeting of the Michigan Juvenile Detention Association (MJDA) that the functional capacity was 397.

³ Downloaded 11-26-12 from <http://www.aclu.org/content/illinois-aclu-sues-correct-deplorable-conditions-juvenile-detention-center>.

Ribbon Committee, the National Council on Crime and Delinquency (NCCD), and the Juvenile Detention Alternatives Initiative (JDAI) of the Annie E. Casey Foundation. The TA plan incorporated many of the same strategies Dunlap applied to the juvenile facility reforms in Washington DC, which Liz Ryan and Marc Schindler (2012:25) described as a successful transformation “into a decent and humane detention center for youth awaiting hearings.” As the reforms began to unfold, the TA invited the Crime Lab to assist in the evaluation.

SIGNIFICANCE

The Crime Lab research is uniquely significant for many reasons, not all of which are immediately obvious. Four areas warrant juvenile justice practitioner consideration.

Gold Standard Research

The Crime Lab’s evaluation methods meet the gold standard of research, equivalent to the research designs in medicine (Steinberg, 2014). Essential to this research are randomized control trials (RCT) with large numbers in each trial group. This design is nearly impossible to construct in a juvenile detention facility for many reasons. An important element of the JTDC reforms was the TA’s plan to transition from a traditional, punitive, and adult-corrections model of operating detention to a new strategy for daily living and behavior management. The process of transitioning from the old system to the new opened a once-in-a-lifetime window of opportunity to establish randomized groups.

Centers-within-a-Center

The first challenge was to downsize the problems associated with the unusual size and complexity of a 498-bed juvenile detention facility before implementing the new daily operational strategy to improve the conditions of confinement. Using Weick’s (1984) “psychology of small wins,” the TA executive team reorganized detention operations into 8-10 smaller centers, consisting of three housing units (pods), an intact team of staff members, and an administratively capped capacity of no more than 48-50 youth per center. “Centers-within-a-Center” created manageable organizational units similar to an average-sized juvenile detention center in most communities and laid the foundation for a functional capacity of 382 youth. The new capacity figure reflected the collective best wisdom of the TA and his executive team about the combination of staffing, social climate, programs, and building considerations that would yield the greatest likelihood of creating and sustaining a safe and helpful living environment.

Next, the TA plan called for a re-training of staff until there were enough newly trained staff to open a new center. By moving one center at a time, the TA incrementally transitioned from the old to the new system in a way that formed the basis of a random assignment strategy. Confident in the plan, the TA resisted the temptation to manipulate the composition of the new centers by placing more compliant and cooperative youth in them. Instead, intake staff used a set rotation to assign each new admission to the next available center, permitting the Crime Lab researchers to make minor adjustments in order to establish the RCT without jeopardizing public safety

expectations, generally accepted professional standards for detention operations, human subjects' research guidelines, or gold standard research methods. When about half of the centers were staffed, populated, and operating, the Teamsters (the union representing the juvenile detention officers) filed an action in the U.S. Court of Appeals that slowed the transition for several months, thereby allowing the size of the RCTs to grow very large, yielding a robust statistic that has never been previously achieved in juvenile detention facility outcomes evaluations. Fortunately for juvenile detention, "Think Before You Act" exists because the TA had the foresight to invite into the process at the beginning a well-respected university-based research team to provide a careful, systematic, and empirical third-party assessment of outcomes to complement the new quality assurance programs.

The new centers used a daily living and operations strategy that integrated positive youth development (Butts, Mayer & Ruth, 2005) and strengths-based principles (Barton, Mackin & Fields, 2008; Barton & Mackin, 2012) with adaptations of the successful cognitive behavioral training (CBT) model from the Youth Center of the High Plains (Amarillo, TX), the Berrien County (MI) Juvenile Center, and the DuPage County (IL) Juvenile Detention Center.⁴ Youth in the CBT centers participated in twice daily didactic and experiential groups focusing on cognitive problem-solving principles, social-emotional skill development, and goal setting based on personal strengths. They could also earn extra program privileges and activities through a token economy (point system) geared to positive and pro-social behaviors. The CBT centers' objective was to increase the positive aspects of the environmental context in order to enhance safety, reduce violence, and minimize the occurrences of triggering events that lead to emotional disruptions. Accentuating the positives was the preferred strategy for eliminating the negatives in contrast to the traditional, non-CBT living units that used an adult-oriented, authoritarian approach to daily living with watching TV as the primary activity. Behavior management in the non-CBT centers relied mostly on sanctions for misbehaviors, such as room confinements and loss of privileges.

Findings: The Preliminary Analysis

Between November 2009 and March 2011, the Crime Lab's comparison groups consisted of 3,025 youth and 5,727 detention events for detainees housed in the new CBT centers and for those in the old or yet-to-be-transitioned (non-CBT) centers. After tracking the two groups for over 18 months after release, the Crime Lab's initial data analysis found statistically significant reductions for the CBT youth in (a) in-custody violence as measured by the most serious disciplinary infractions (10% reduction) and (b) re-arrests and returns to detention (20-24% reductions). A comprehensive analysis of the data is nearly complete, and the forthcoming Crime Lab report should provide greater insights about the nature and extent of the outcomes, which will also allow the field a better opportunity to assess their global applicability. The size of the effects suggests room for improvements, and they require further inquiry and explanation (Howell et al, 2014). Still, the current data suggest that the most challenging youth of color from Cook County can have positive life outcomes from brief interventions based on positive youth development and cognitive behavioral training.

⁴ For a description of the DuPage program, see pages 227-232 in Roush (2004).

Imperative to Act

The TA is not aware of another evidence-based research comparing the effects of two different approaches to conditions of confinement in the history of juvenile detention. The successful national detention reforms have consistently stressed the importance of systems improvements through data-driven and evidence-based decisions (Busch, 1999). However, juvenile detention practitioners have had to extrapolate findings from other related fields because of the absence of evidence-based research in juvenile detention. Now, the commitment by juvenile justice to use evidence-based research (see Howell et al, 2014) creates an imperative for further action on the Crime Lab findings, particularly how they can be applied to the improvement of conditions of confinement and quality of care.

Public Policy and Cost/Benefit

The public policy implications are equally impressive. The Crime Lab researchers first used behavioral economics or a cost-benefit analysis to assess the Court-ordered reforms, calculating a 1:30 cost-benefit ratio or a \$30 savings for every dollar of Cook County taxpayer investment in the new system. This ratio is larger than the cost-benefit ratios of other exemplary delinquency prevention programs identified by the Washington State studies on cost-effective interventions (Drake, Aos, & Miller, 2009).

Juvenile detention facilities usually have formal or informal organizational structures intended to guide staff and youth behaviors in ways that support institutional safety, order, and security. The frequent problems of dangerous conditions in secure juvenile facilities could make policy changes aligned with the TA reforms a better use of public funds. Public policy proposals from the Crime Lab have yet to be developed based on the positive cost-benefit ratio, but the economics of these findings could be attractive to local and state officials.

More importantly, the statistical power of the Crime Lab research provides the leverage to rethink, perhaps transform, public policy on the delivery of in-custody programs and services to youth of color (97% of the FY2014 male admissions to JTDC were youth of color). Recent juvenile detention reforms have successfully removed from secure custody those youth with the best chances to succeed in community-based alternatives. Although it has not yet been proven conclusively, support is accumulating that the remaining in-custody population is more disproportionately minority with greater occurrences of serious needs. New approaches are needed for the reform remnants, such as the TA approach to conditions of confinement and the trauma responsive Circle of Courage (Brendtro, Mitchell & McCall, 2009). Discussions in the juvenile justice community would do well to focus on how to increase positive outcomes with today's detainees.

Reforming Conditions Using Helpful Detention Concepts

The TA plan assumed that helpful detention (Roush, 1999) could foster and sustain a positive environmental context or conditions of confinement for youth with heightened needs (mental health; posttraumatic stress disorder; the aftermath of emotional, physical, and sexual abuse;

trauma; substance abuse problems; and learning and developmental disabilities, to name a few). The Crime Lab research affirmed the efficacy of this assumption. Changing the environmental context proved to be a better strategy for improving conditions of confinement, and this approach needs to be strengthened and disseminated for use in other facilities. Despite the successes of recent juvenile detention reforms, improvements to troubled conditions of confinement also leave room for improvement, so here is where the US District Court intervention in Cook County can be instructive to the field.

Another potential shift in core assumptions applies to the juvenile justice practitioner's understanding of cognitive behavioral interventions. "Think Before You Act" observes that while there are, in fact, multiple iterations of CBT, automatic thinking (AT) is ground zero for program effectiveness. AT is linked to a type of thinking characterized by Kahneman's (2011) System 1 decision making or "hot" (often driven by anger or fear), fast, and highly emotional thinking that parallels nicely Dahl's (2001) description of the roles that "hot" and "cool" emotions play in the development of affect regulation in youth. While these similarities require more exploration, explaining the origins of AT was not part of the Crime Lab research. Therefore, the TA team looked to the recent brain research for possible insights and answers.

With behavioral economists (Ludwig & Shah, 2014) and child psychiatrists (Dahl, 2001; Erwin, 2014) describing a phenomenon similarly but from different perspectives, substantial enhancements to cognitive behavioral interventions could be in the future for CBT practitioners. If this confluence of explanations holds true, improved CBT effectiveness with juvenile justice-involved youth could hinge on how well staff and peers are able to minimize "hot" thinking and maximize "cool" reflective thinking. Preliminary feedback from in-custody youth and staff on how to "flip the switch" from "hot" to "cool" seems to suggest that it is largely through positive relationships with the peer group and/or individual staff members. Both the AT activation pathways and the power of positive relationships require more study on how best to integrate them into work with in-custody youth.

Next Steps

The U. S. District Court's intervention is a historic action that altered the course of juvenile detention and improved the health, safety, well-being, and positive life outcomes of many of Chicagoland's most challenging juvenile offenders. Because of the *Order Appointing the Transitional Administrator*, (a) a new model of improving conditions of confinement is emerging that should be explored, expanded, even replicated nationally, (b) the cost-effectiveness potential of this model seems to be strong motivation for rethinking public policy, and (c) the confidence in these statements comes from evidence-based research.

There are several next steps to be accomplished. More inquiry, investigation, and research are needed to explain fully the policy and practice implications of the Crime Lab research.

Chronicling these reforms is needed to explain the following:

- a. Changing conditions of confinement by improving the environmental context produced positive outcomes of increased safety and program effectiveness.

- b. Infusing youth and adolescent development theories and practices into daily operations and behavior management strategies was more effective than those based on adult models.
- c. Conditions of confinement grounded in beneficial concepts, such as those contained in (a) CBT, (b) child and youth serving best practices, (c) the new findings from brain research, and (d) “helpful” detention, produced an environment more conducive to positive youth development and positive life outcomes. Stated another way, the TA reforms were linked to positive life outcomes for those youth in environments that minimized AT triggering events and maximized “cool” thinking time where CBT principles may have attached more durably, even in short-term detention.
- d. Juvenile detention staff invariably have an impact on the behavior of youth in custody, so it is highly preferential that the impact is positive, supportive, direct (firm and fair), and helpful.
- e. The overlay of positive youth development concepts on improved conditions of confinement should become a national model for the operation of every youth custody facility.

In summary, the Crime Lab research justifies a substantial rethinking of current strategies about how to improve conditions of confinement. Second, the Crime Lab research invites a redesign of helpful programs for all juvenile offenders, particularly youth of color. Third, the quality of the empirical findings affirms the United States District Court’s intervention at the Cook County Juvenile Temporary Detention Center (JTDC). Finally, quality evidence of positive life outcomes for juvenile court involved adolescent males of color (African American and Latino) could support a needed transformation of juvenile facility conditions and programs (Brooks & Roush, 2014). “Think Before You Act” and the Youth Guidance’s Becoming A Man (BAM) have already captured the attention of the White House and the President’s “My Brother’s Keeper” Initiative. The U S District Court’s reforms at the Cook County Juvenile Temporary Detention Center serve as a complementary and effective approach to positive life outcomes for the juvenile court involved-counterparts to these youth. Moving the TA reforms, findings, and policy implications to scale should be a priority next step for juvenile justice.

ABOUT THE AUTHOR

David Roush, PhD, has been active in research, technical assistance, training, and consulting with juvenile detention and corrections organizations for over 40 years. His experience includes work in over 225 institutions in 49 states. As a facility superintendent, he developed model programs that earned four national awards for innovation and excellence, two from OJJDP. A specialist on conditions of confinement, he conducts compliance monitoring for the U. S. Department of Justice. As a faculty member at the School of Criminal Justice at Michigan State University, he taught classes on juvenile detention, conducted research, and coordinated federally-funded training and technical assistance to juvenile justice agencies and staff. He holds degrees from the College of Wooster and Western Michigan University. His PhD is in Criminal Justice and Criminology from Michigan State University. He is licensed in Michigan as a professional counselor (LPC) and a master social worker (LMSW).

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