

Randall G. Shelden

From Houses of Refuge to ‘Youth Corrections’: Same Story, Different Day”

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Abstract

Over 180 years ago the first of a long line of prisons specifically designed for young offenders was created in New York City. Called the New York House of Refuge, its creators called it a “school.” The State Supreme Court of Pennsylvania, in its famous decision in *Ex Parte Crouse*, stated that the aims of the house of refuge were to reform the youngsters within them “by training . . . [them] to industry; by imbuing their minds with the principles of morality and religion; by furnishing them with means to earn a living; and above all, by separating them from the corrupting influences of improper associates.” Subsequent investigations have found that there was an enormous amount of abuse within these institutions and failed to provide any semblance of reform. The closures of these prisons came after numerous scandals. The abuses continued within the institutions that followed (e.g., “training schools” and “detention centers”), so that by the early years of the 21st century we read of similar scandals in more “modern” institutions such as the California Youth Authority (CYA). This paper summarizes the most recent scandals of the CYA and similar institutions, including juvenile detention centers, and makes some linkage to the earlier houses of refuge.

From Houses of Refuge to ‘Youth Corrections’: Same Story, Different Day’

Many Americans were horrified when the news of the abuses at the Abu Ghraib prison in Iraq broke out. People familiar with the nature of prisons were not nearly as surprised as the public was. Those of us who have studied the problem were well aware of the history of abuses within the walls of “total institutions,” well documented, for instance, in the Stanford Prison Experiment conducted more than 30 years ago.^[1]

Briefly, the experiment consisted of setting up a “mock prison” in the basement of a Stanford University’s Psychology Department building. Two groups of normal university students were selected. One group was selected to play the role of guards, while the other would play the role of prisoner. The experiment was to last two weeks, but was stopped after just six days because of the abuse that was taking place. Ordinary people called upon to play the role of “prison guard” became extremely abusive. Some of the prisoners rebelled and once an escape was barely averted. The lead author of the study, Philip Zimbardo, stated that: “We had created an overwhelmingly powerful situation -- a situation in which prisoners were withdrawing and behaving in pathological ways, and in which some of the guards were behaving sadistically. Even the ‘good’ guards felt helpless to intervene, and none of the guards quit while the study was in progress.” They had an encounter session after the experiment ended. All of the “prisoners” were happy it was over, but most of the “guards” were disappointed it was over.^[2]

Imprisonment has been a dominant form of punishment in America for about 200 years. The effects, on both the guarded and the guards, have continued to be the same, while failing to put a significant dent in crime. For young offenders it began in the 1820s in New York, with the founding of the New York House of Refuge.

Houses of Refuge: The Start of an Era

Although entirely separate systems to monitor and control the behavior of young people began to appear during the early part of the nineteenth century, differential treatment based upon age did not come about overnight. The roots of the juvenile justice system can be traced to much earlier legal and social perspectives on childhood and youth. One of the most important of these was a legal doctrine known as *parens patriae*.

Parens patriae has its origins in medieval England's chancery courts. At that point it had more to do with property law than children; it was, essentially, a means for the crown to administer landed orphans' estates.^[3] *Parens patriae* established that the king, in his presumed role as the “father” of his country, had the legal authority to take care of “his” people, especially those who were unable, for various reasons (including age), to take care of themselves. For children, the king or his authorized agents could assume the role of guardian to be able to administer their property. By the nineteenth century this legal doctrine had evolved into the practice of the state's assuming wardship over a minor child and, in effect, playing the role of parent if the child had no parents or if the existing parents were declared unfit.

In the American colonies, for example, officials could “bind out” as apprentices “children of parents who were poor, not providing good breeding, neglecting their formal education, not teaching a trade, or were idle, dissolute, unchristian or incapable.”^[4] Later,

during the nineteenth century, *parens patriae* supplied (as it still does to some extent), the legal basis for court intervention into the relationship between children and their families.^[5]

Another legal legacy of the colonial era that relates to the state's involvement in the lives of youth is the *stubborn child law*. Passed in Massachusetts in 1646, it established a clear legal relationship between children and parents and, among other things, made it a capital offense for a child to disobey his or her parents.

In the United States, interest in the state regulation of youth was directly tied to explosive immigration and population growth. Between 1750 and 1850 the population of the United States went from 1.25 million to 23 million. The population of some states, like Massachusetts, doubled in numbers, and New York's population increased fivefold between 1790 and 1830.^[6] Many of those coming into the United States during the middle of the nineteenth century were of Irish or German background; the fourfold increase in immigrants between 1830 and 1840 was in large part a product of the economic hardships faced by the Irish during the potato famine.^[7] The social controls in small communities were simply overwhelmed by the influx of newcomers, many of whom were either foreign born or of foreign parentage.

This was to change, slowly at first, with the transition to capitalism (specifically the factory system in the New England area) during the late eighteenth and early nineteenth centuries. With the breakup of colonial society, in addition to the beginning of immigration, came an influx of poor, homeless young people, many of whom flocked to the cities of the Northeast, particularly New York. With this increase came a growing concern among prominent citizens about the "perishing and dangerous classes," as they would be called throughout the nineteenth century. With the shift from agriculture to industrialism came the age of adolescence and with this age came the problem of "juvenile delinquency" and attempts to control it.

During the early nineteenth century prominent citizens in the cities of the East began to notice the poor, especially the children of the poor. The parents were declared unfit because their children wandered about the streets unsupervised and committing various assortments of crime just in order to survive. Many believed that here was the major source of problems in social control and forerunners of even greater problems in the future. Poor and immigrant (in this era the Irish) children, their life styles, and social position would soon be associated with crime and juvenile delinquency.

A number of philanthropic associations emerged in eastern cities to deal with these problems. One of the most notable was the *Society for the Reformation of Juvenile Delinquents* (SRJD), founded in the 1820s.^[8] The SRJD, composed primarily of wealthy businessmen and professional people, convinced the New York legislature to pass a bill in 1824 that established the *New York House of Refuge*, the first correctional institution for young offenders in the United States. The bill created the first statutory definition of juvenile delinquency and authorized the managers of the refuge "to receive and take into the House of Refuge... all children as shall be convicted of criminal offenses ...or committed as vagrants" if the court deems that they are 'proper' objects."^[9]

The general aims of the House of Refuge, including the conceptions of "delinquents," are reflected in the following extract from the SRJD:

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.^[10]

The statutes contained vague descriptions of behaviors and life styles which were synonymous with the characteristics of the urban poor (especially Irish immigrants). Being homeless, begging, vagrancy, and coming from an “unfit” home (as defined from a middle-class view point) are examples. The legislation that was passed also established specific procedures for identifying the proper subjects for intervention and the means for the legal handling of cases. According to law, the state, or a representative agency or individual, could intervene in the life of a child if it was determined that he or she needed “care and treatment,” the definition of which was left entirely in the hands of the agency or individual who intervened.

Immigrants received the brunt of enforcement of these laws, especially children of Irish parents. Pickett notes that a house of refuge superintendent accounted for a boy's delinquency because “the lad's parents are Irish and intemperate and that tells the whole story...” The results of such beliefs are reflected in the fact that between 1825 and 1855 the percentage of commitments to the refuge that were Irish went as high as 63.^[11]

The results of the actions by these reformers suggest that the “best interests of the child” were usually not served. Children confined in the houses of refuge were subjected to strict discipline and control. A former army colonel working in the New York House of Refuge said: “He (the delinquent) is taught that prompt unquestioning obedience is a fundamental military principle.”^[12] It was strongly believed that this latter practice would add to a youth's training in “self control” (evidently to avoid the “temptations” of evil surroundings) and “respect for authority” (which was a basic requirement of a disciplined labor force). Corporal punishments (including hanging children from their thumbs, the use of the “ducking stool” for girls, and severe beatings), solitary confinement, handcuffs, the “ball and chain,” uniform dress, the “silent system,” and other practices were commonly used in houses of refuge.^[13]

Following the lead of New York, other cities constructed houses of refuge in rapid succession. Within a few years there were refuges in Boston, Philadelphia, and Baltimore. It soon became evident, however, that the original plans of the founders were not being fulfilled, for crime and delinquency remained a problem. Also, many of the children apparently did not go along with the “benevolence” of the managers of the refuges. Inmates often staged various protests, riots, escape attempts, and other disturbances which were almost daily occurrences.^[14] While at first limiting itself to housing first offenders, youthful offenders, and pre-delinquents, the refuges in time came to be the confines of more hardened offenders (most of whom were hardened by the

experiences of confinement) and soon succumbed to the problem of overcrowding. Such a fate would return time and time again to plague institutions built throughout the nineteenth and twentieth centuries, even to the present day.

The rhetoric of the founders and managers of houses of refuge obviously fell far short of the reality experienced by the youth held in these facilities. A look at one of the most significant court challenges to the refuge movement provides additional insight into the origins of the juvenile justice system.

Ex Parte Crouse: Court Decisions and Effects

Argued in 1838, *Ex Parte Crouse* arose from a petition of habeas corpus filed by the father of Mary Ann Crouse. Without her father's knowledge, Crouse had been committed to the Philadelphia House of Refuge by her mother on the grounds that she was "incurable." Her father argued that the incarceration was illegal because she had not been given a jury trial. The court noted that Mary had been committed on a complaint that said "that the said infant by reason of vicious conduct, has rendered her control beyond the power of the said complainant [her mother], and made it manifestly requisite that from regard to the moral and future welfare of the said infant she should be placed under the guardianship of the managers of the House of Refuge."¹⁵¹ The Court rejected the appeal, saying that the Bill of Rights did not apply to juveniles. Based upon the *parens patriae* doctrine, the court asked, "May not the natural parents, when unequal to the task of education, or unworthy of it, be superseded by the *parens patriae* or common guardian of the community?" Further, the Court observed that: "The infant has been snatched from a course which must have ended in confirmed depravity..."¹⁶¹ Note here that the logic was accepted, even though one of Crouse's parents (her father) felt able to care for her. Also note that they were making predictions of future behavior based upon rather vague criteria, which was becoming quite common at the time and would continue to be a common practice for years to come.

The ruling assumed that the Philadelphia House of Refuge (and presumably all other houses of refuge) had a beneficial effect on its residents. It "is not a prison, but a school," the Court said, and because of this, not subject to procedural constraints. Further, the aims of such an institution were to reform the youngsters within them "by training . . . [them] to industry; by imbuing their minds with the principles of morality and religion; by furnishing them with means to earn a living; and above all, by separating them from the corrupting influences of improper associates."¹⁷¹

What evidence did the justices consult to support their conclusion that the House of Refuge was not a prison but a school? Not surprisingly, only testimony by those who managed the institution had been solicited. This was probably because the justices of the Supreme Court came from the same general class background as those who supported the houses of refuge and believed the rhetoric of these supporters. In short, they believe the "promises" rather than the "reality" of the reformers. A more objective review of the treatment of youths housed in these places, however, might have led the justices to a very different conclusion. For instance, subsequent investigations found that there was an enormous amount of abuse within these institutions. They were run according to a strict military regimen during which corporal punishment (girls in one institution were "ducked" under water and boys were hung by their thumbs), solitary confinement, and a

silent system were part of the routine.^[18] Work training was practically nonexistent, and outside companies contracted for cheap inmate labor. Religious instruction was often little more than Protestant indoctrination (many of the youngsters were Catholic). Education, in the conventional meaning of the word, was almost nonexistent.

The O'Connell Case

A most intriguing addendum to the history of the houses of refuge - and to the *Crouse* case - came in 1870 with a Chicago case concerning a boy named Daniel O'Connell in the case of *People v. Turner* (1870). This young boy was incarcerated in the Chicago House of Refuge, not because of a criminal offense, but because he was "in danger of growing up to become a pauper." His parents, like Mary Crouse's father, filed a writ of *habeas corpus*, charging that his incarceration was illegal. What is most intriguing about this case is that although the facts were almost identical to the *Crouse* case, the outcome was the exact opposite.

The case went to the Illinois Supreme Court and this court concluded that, first, Daniel was being *punished* not treated or helped by being in this institution. (Recall that the court had concluded that Mary Crouse was being *helped*.) Second, the Illinois court based its ruling on the *realities* or *actual practices* of the institution, rather than merely on "good intentions" as in the *Crouse* case. Third, the Illinois court rejected the *parens patriae* doctrine because they concluded that Daniel was being "imprisoned" and thus they based their reasoning on traditional legal doctrines of the criminal law. They therefore emphasized the importance of *due process* safeguards. In short, while the court in the *Crouse* case viewed the houses of refuge in a very rosy light, praising it uncritically, the court in the O'Connell case viewed the refuge in a much more negative light, addressing its cruelty and harshness of treatment.^[19] Because of the O'Connell case, only children who had committed felonies could be sent to reform schools.

One reason for the different rulings in these two cases may stem from gender. Mary Ann Crouse was committed to a House of Refuge and the court deemed this appropriate for her moral and future welfare. On the other hand, the similar O'Connell case, the court overturned the institutional commitment based on due process.^[20]

The O'Connell decision was to have far-reaching effects in the development of the movement to establish the juvenile court in Chicago in 1899. While this will be covered in more detail shortly, it needs to be mentioned in passing at this time that the founders of the juvenile court established this institution in part as a method of getting around the argument in the O'Connell case. In the 1905 case of Frank Fisher (ironically another Pennsylvania case), the court returned to the logic used in the *Crouse* case. In this case, the Pennsylvania Supreme Court ruled as follows:

To save a child from becoming a criminal, or continuing in a career of crime, to end in maturer [sic] years in public punishment and disgrace, the legislatures surely may provide for the salvation of such a child, if its parents or guardians be unwilling or unable to do so, by bringing it into one of the courts of the state without any process at all, for the purpose of subjecting it to the state's guardianship and protection..^[21]

In time, this case would be overturned in 1967 in the Gault case.

Gault and Kent: Challenges to the Punitive Nature of Juvenile Justice

Despite the obvious failure of the house of refuge, reformers continued to be enamored with responding to juvenile offenders through the building of institutions. I call this the “edifice complex” – we seem to love building large edifices like “reform schools,” “training schools” and most recently “youth correctional centers.” The problems found within the houses of refuge continued unabated throughout the 20th century and now in the 21st century. While there were occasional “voices in the wilderness” calling attention to the abuses within these institutions, they mostly fell on deaf ears, until the 1960s when the U.S. Supreme Court began to hear cases challenging the underlying foundation of the juvenile justice system, the *parens patriae* doctrine.

The two most significant cases were *In re Gault* (387 U.S. 1, 1967) and *Kent v. United States* (383 U.S. 541, 1966). In the *Kent* case, the Court dealt with the manner of *certification* of a juvenile offender as an adult. It was in this case that Justice Abe Fortas issued one of the strongest indictments of the juvenile court ever, writing that: “There is evidence, in fact, that there may be grounds for concern that the child receives the worst of both worlds; that he gets neither the protection accorded to adults nor the solicitous care and regenerative treatment postulated for children.”

In the *Gault* case, which dealt with the overly punitive response to what amounted to a crank call to a neighbor, resulting in a 15 year old being sentenced to what amounted to a six year term in a state training school in Arizona, Fortas once again provided the concise critique, stating that “the condition of being a boy does not justify a kangaroo court.”^[22]

Most observers thought that such a critique was long overdue and anticipated significant improvements within the juvenile justice system. Although some of the most glaring injustices were eliminated (e.g., insuring the legal rights of juveniles were observed by having greater access to lawyers, the deinstitutionalization of status offenders), the system continued to rely upon incarceration in local detention centers and state and county custodial institutions. More critically, the abuses within these institutions continued. In Massachusetts and in other states, reform-minded people discovered what amounted to 19th century punishment within these institutions.^[23]

Same Story, Different Day: Abuse and Scandals Continue

We Americans have a hard time admitting what we do with young offenders and in Orwellian fashion we hide what is going on by using “nice” terminology.^[24] The plain and simple truth is that juvenile “correctional institutions” are prisons.

A commitment to a juvenile prison often represents the “end of the line” for some youthful offenders. As we have already observed, these institutions, starting with houses of refuge, have not had a very positive history. Conditions in many of these institutions have not improved that much over the years. Any “treatment” that goes on in these institutions are the exception rather than the rule.

As most standard textbooks will note, there are several different prisons to which a youth can be committed. Some of these institutions are public (i.e., run by state or local governments) and others are privately funded. Prisons for young offenders can be further subdivided into short-term (usually ranging from a few days to a couple of months) and long-term confinement (ranging from three or four months to one or two years).

Each of these examples has had its share of scandals associated with abuse. I will present just a few examples, starting with “detention centers.”

Detention Centers

Detention is mostly a temporary holding facility that functions like an adult jail, where youths are placed pending a court hearing to determine whether or not they should be released. Despite the reforms of the past half century, the conditions within many of the nation’s detention centers remain horrible. This is especially true for the growing numbers of youth with serious mental health problems. Several recent reports have documented this.

For example, a report titled “U.S. detention centers becoming warehouses for mentally ill youth” is based upon an investigation by the *Pittsburgh Post-Gazette*. They found that more than 40 percent of detention centers responding to the survey “said children with mental health problems stay in detention longer than others because placements can't be found for them.” This report further notes that of the 12 Pennsylvania detention centers responding to the survey, “11 cited a shortage of placement options as the reason that juveniles with mental health problems stay in detention longer.” Quoting the director of the Allegheny County's Shuman Juvenile Detention Center, they began tracking emotionally ill children at this facility shortly after state officials closed a local state hospital’s adolescent unit. The director noted that most juveniles stay an average of 11 days before placement, but among those with mental problems the average is between 35 and 40 days. Further, he stated that: “When they closed those big facilities and put them in the community, more and more children wound up in the juvenile justice system. A lot of times, it might not be that serious a charge, but they still end up in detention.”^[25]

A closely related story is even more revealing.^[26] A report by the U.S. Senate’s Governmental Affairs Committee concluded that “thousands of children with mental illnesses await needed community mental health services in juvenile detention centers across the country.” One expert testified that: “Juvenile detention facilities lack the resources and staff to confront this problem; yet, corrections is being forced to shoulder the burden of the nation’s failure to properly diagnose and care for children with mental or emotional disorders.” A survey commissioned by Representative Henry Waxman (D-CA) and Senator Susan Collins (R-ME) and conducted by the Special Investigations Division of the minority staff of the Government Reform Committee of the U.S. House of Representatives, came up with very disturbing findings, similar to those in Pennsylvania noted above. Among their key findings include:^[27]

- **Thousands of children are incarcerated in juvenile detention centers awaiting mental health services in the community.** Over a six-month period, nearly 15,000 incarcerated youth waited for community mental health services.

Each night, nearly 2,000 youth wait in detention for community mental health services, representing 7% of all youth held in juvenile detention. Yet a quarter of the facilities surveyed reported that they provide no or poor mental health services.

- **Children are at increased risk of self-harm and violence. Youth waiting in detention for community mental health services attempted suicide in over 160 facilities.** According to previously released research, the rate of suicide among juveniles while incarcerated is four times that of youth overall. Children with mental disorders may also be at particular risk of victimization by others due to their illness.
- **Detention centers are overwhelmed.** A Pennsylvania administrator interviewed for the report noted that “mentally ill youth placed in juvenile detention facilities stress our centers more than any other problem.”
- **Warehousing children awaiting mental health services is expensive.** The report estimates that juvenile detention facilities spend an estimated \$100 million each year to house youth who are waiting for mental health services.

The report also found that in 33 states juveniles with mental health problems were being held with no charges against them. Over a six-month period, about 15,000 youths spent time in a detention facility while waiting for mental health services and on any given night about 2,000 are being held (representing about 7% of the total). Echoing the Pennsylvania survey, these youths spend an average of 23 days in detention compared to about 17 days for all detainees. About \$100 million is spent each year to house kids waiting for mental health services.^[28]

Apparently not much has changed during the past decade: a 1991 report found that 62 percent of all detention facilities offered no treatment programs. Suicide in detention centers was much higher than at other institutions.^[29]

A report from the Office of Juvenile Justice and Delinquency Prevention called “Beyond the Walls Improving Conditions of Confinement for Youth in Custody” cites the following case:^[30]

On January 4, 1994, a 17-year-old boy was picked up on a burglary warrant and abruptly removed from a hospital where he was being treated. The next day the attorney appointed to represent the boy discovered that his client could not be guilty because he was in the State's care at a secure residential center at the time of the crime. The charge was dismissed and the social worker indicated that the boy would be returned to the treating hospital. Instead, after waiting 2 hours, the boy was inadvertently loaded into a van in shackles and handcuffs and taken to a maximum security facility.

The boy's attorney wrote a letter to the State agency responsible for his care protesting his client's treatment and demanding a more appropriate placement. The local newspaper also ran an article about the boy's story.

These pieces of information sparked an internal agency investigation and immediate action by the commissioner of social services to find a more suitable placement for the boy. The boy was then removed from maximum security.

A few months later, in April 1994, a report of the internal agency investigation revealed that there was reason to believe some residents at the maximum security facility had been abused by staff, that complaints of mistreatment were intentionally suppressed, and that some staff members behaved in a racially biased manner. The team of investigators recommended corrective actions such as having an independent group make unannounced visits to all residential centers, doubling efforts to make sure residents understand their rights and the proper way to file complaints, training all staff members in cultural diversity, and constructing a new juvenile center for serious offenders to replace the antiquated maximum security facility.

Despite State efforts to overhaul the system, the newspaper continued to reveal allegations of abuse and outbreaks of violence at juvenile facilities in the State. In February 1995, after receiving complaints from advocacy groups and seeing news reports of abuse at five juvenile facilities, DOJ launched its own investigation under the authority of CRIPA and the Violent Crime Control and Law Enforcement Act of 1994 to determine the veracity of alleged civil rights violations at the facilities.³² Many State officials and child advocates welcomed the Federal investigation. The agency administrators, who had ordered the initial independent investigation of the facility, wrote to the Assistant Attorney General of the Civil Rights Division pledging the agency's full cooperation and sent a memo to the facility directing staff to cooperate.

On November 13, 1995, under the authority granted by CRIPA, U.S. Attorney General Janet Reno and the Governor of the State signed an agreement to improve conditions at the State's juvenile treatment facilities. The agreement is anticipated to cost the State \$17 million over 2 years.

Finally, a Human Rights Watch report called "High Country Lockup" reveals systemic overcrowding and abuses within Colorado's juvenile prisons, including detention centers. The report found, among other things, that:³¹

The impact that the state's get-tough policy has had on crime is the subject of continuing debate. Its impact on conditions of confinement for children is indisputable. Virtually every institution is overcrowded and unsafe-the exceptions result from a court order and caps on numbers at small, specialized units like boot camps. Holding cells for youngsters waiting for court appearances in the City and County building are so overcrowded that handcuffed children have been detained for several hours on the buses the sheriff uses to transport them. A Denver newspaper photo showed several juveniles handcuffed to their seats when the outside temperature was more than eighty degrees. The buses are not air-conditioned.

Fights are frequent, and many assaults go unreported. Children sleep on floors, crammed two, three and even four at a time into rooms designed for one. There is not enough staff for adequate supervision. In one facility Human Rights Watch visited, Mount View Youth Services Center, a single staff member was sometimes responsible for as many as forty children.

The committed children repeatedly described the staff as indifferent, verbally abusive and sometimes physically abusive. The Colorado Director of Youth Corrections Programs, Betty Marler, said that the staff is frustrated by the overcrowded conditions. "The system brutalizes everyone," she told us. "It leads to burnout and negative attitudes."

The ghosts of houses of refuge remain today in the nation's juvenile detention centers. Likewise in the case of long-term facilities.

Long-Term Facilities

Examples of long-term confinement include the following:

Reception and diagnostic centers

These kinds of facilities are usually attached to a juvenile prison, this is a place where offenders, prior to starting their sentence, are evaluated by a psychologist or social worker to determine what sort of treatment will be required; usually the stay is no more than a month. Various tests are given to assess the youth's level of intelligence, attitudes, degree of maturity, emotional problems, academic problems and the like. Those in charge of the dormitories or cottages where the youth will live are also involved in this assessment to determine what problems, if any, the youth will have.

Some of these facilities do not in any way fit the image of a reception and diagnostic center. On the contrary, some resemble large institutions. A case in point is the Logansport Juvenile/Intake Diagnostic Center in Logansport, Indiana (a small town of just under 20,000 in the middle of Indiana about 60 miles north of Indianapolis). It was established in 1995 and is described on the Indiana Department of Corrections web site as a "maximum security juvenile male" institution, with a daily population of 59. The facility "has locked cells in each day room; has segregation cells; has close observation cells; does not allow temporary leaves; and has restricted visitation. This maximum security facility receives any male juvenile between the ages of twelve and eighteen that is committed to the Indiana Department of Correction, Division of Juvenile Services. This facility also receives transfers from other DOC male juvenile facilities for reclassification or short-term disciplinary segregation."^[32]

The state of Virginia has a "Reception and Diagnostic Center" which is described as a place providing "secure confinement for all juveniles for approximately 30 days while they undergo medical, academic, psychological, behavioral, and sociological evaluations to determine their treatment needs and appropriate institutional placements."^[33]

Some of these facilities are clearly trying to prepare juvenile prisoners for life in juvenile prisons. The state of Oklahoma, for instance, has a “Reception and Orientation Center” (ROC). On their web site this center is described as a place where “residents” (as they are called, rather than “prisoners” or “inmates”) are first admitted to the Southwest Oklahoma Juvenile Center. Here the initial response by the staff “is to gain control of the resident's behavior.” They do this by having the “residents” first “learn to memorize eighteen rules of appropriate behavior and how they apply to the crimes they've committed” before being sent here. While they are in the ROC, “their behavior is strictly and closely monitored.” Continuing, the web site states that: “These residents learn compliance. For instance, a resident is only allowed to speak by raising his/her hand, being acknowledged by staff and given permission. All new residents begin their stay at the Southwest Oklahoma juvenile Center on the ROC unit. This allows staff to gain control of the residents’ behavior at the beginning of his/her treatment, which results in a smoother cognitive behavioral pattern after he/she leaves this unit. On ROC, residents not only ask permission to speak, but also to enter and exit certain areas. They have no television or radios on this unit, have school on the unit, eat on the unit, and get off the unit only one hour a day for outside recreation.” The photos below are taken off this web site.^[34] The military model of discipline is readily apparent. Whether or not this results in success upon release has not been demonstrated, given the high rates of recidivism among graduates of such institutions.

Youth “Correctional Facilities”

In 1999 (when the most recent census was taken) there were 134,011 in custody within youth “correctional facilities.” While the majority are adjudicated “delinquents,” almost one-fifth are called “other residents.” (“Residents” is an interesting choice of words to describe those who are, in effect, “imprisoned” mostly against their will. This is typical of the Orwellian language used today.)

Not surprisingly, the percentage of incarcerated youth who are racial minorities has risen steadily over the years. National figures show that in 1950 only 23% of those in training schools were minorities; in 1960 this figure was 32%; in 1970 it was up to 40%; in 1989 minorities constituted 60% of those in public training schools; in 1997 the percentage stood at 66%.^[35]

Not surprisingly, the overall *rate* of incarceration was considerably higher for minorities. The latest (2001) census of committed juveniles (see Table 1) reveals such stark contrasts as: (1) the overall rate for black was 634, compared to a rate of 253 for Hispanics and only 155 for whites; (2) even considering the most serious offense charged, commitment rates for minorities far exceeded those of whites, such as: for personal crimes, the black rate was 231 compared to only 50 for whites and 89 for Hispanics; for drug offenses, the black rate stood at 70, the Hispanic rate was 25, compared to merely 11 for whites (in other words, for drug offenders, *the black incarceration rate was more than six times greater than for whites*); (3) in every other offense category, whites had the lowest rate and blacks had the highest, with Hispanics in the middle. The distribution of these rates, with blacks first, Hispanics second and whites third, reminds me of a phrase heard repeatedly during the civil rights movement of the

1960s: “If you’re white, you’re alright, if you’re brown, stick around, if you’re black, stay back.”

Some Effects of Incarceration: the Inmate Social System and Victimization

What’s wrong with incarcerating offenders in these kinds of institutions? Plenty. We should begin by asking: What’s life like in secure training schools today? Sadly, not much different than what they have always been. Several studies covering a period of around 30 years document the continuation of horror stories within these institutions.^[36] They don’t tell a pretty story and show a continuation of a pattern begun with the New York House of Refuge.

Let’s begin with a survey done more than 30 years ago. This was a survey of 42 juvenile prisons conducted in the 1970s by the National Assessment of Juvenile Corrections. The focus of this study was on, among other things, some of the effects of being institutionalized on the youths themselves. The study distinguished between “newcomers,” or those who had been at the facility two months or less, and “veterans,” those who had been incarcerated nine months or more. The survey found some rather significant differences between programs having large proportions of veterans and those having relatively few veterans.^[37]

Generally, it was found that the “veterans” were significantly more likely than “newcomers” to: (1) commit more offenses and have friends who had committed offenses while incarcerated; (2) have learned more ways to break the law while incarcerated (46 percent of the veterans, compared to 20 percent of the newcomers); and (3) become more “hardened” over time (“hardened” was measured in several ways, such as being critical of the staff; previous encounters with institutions, number and seriousness of offenses while incarcerated, and other indicators).

It was also found that the longer a youth remained in the institution, the more the youth would: (1) fight with other youths, (2) use drugs, (3) steal something, (4) run away, and (5) hit a staff member. These problems become the most acute when, as the authors put it there is a “critical mass” of veterans within a program (most often a training school). It was found that these problems are more apparent in the larger institutions (i.e., training schools). A study by John Irwin of adult felons found that a significant number were what he termed *state-raised youth*. These are offenders who more or less “grew up” within various institutions (in addition to juvenile detention centers and prisons, such institutions as foster care, group homes and the like), rarely spending any significant amounts of time in free society. Irwin describes the world view of the latter as distorted, stunted, and incoherent. The prison world has become their only meaningful world.^[38]

That the strong prey on the weak is nothing new to these institutions, as numerous studies, some dating back to the 1950s, have indicated. These studies have found that there also exists a very potent inmate subculture, not unlike those found in adult prisons.^[39] In most of the larger institutions there is a hierarchy within a strongly defined “peer subculture.” The most commonly found social roles are those of the “toughs” or “dukes” and the “punks,” with the latter being the lowest in social status (they are the youths who have been victimized sexually or “punked out”).

Another study noted how youths entering the institution quickly earn reputations, either as strong boys or weak ones:

Once boys were in the intake cottage, the other boys immediately subjected them to tests designed to ascertain whether they could be exploited for food, clothes, cigarettes, and sex. Sexual exploitation was found to be severe, with blacks pressuring whites in most of the encounters. If the new boy looked and acted tough, exploitation was minimized; if any weaknesses were shown, he was immediately misused by the others ... Nearly all of the most seriously exploited were white, and most of the exploiter boys were black. As in many adult prisons, the whites were disorganized and the blacks stuck together. Boys were acquainted with the local version of the convict code shortly after arrival. This code had standards for all prisoners but also some that were specific to blacks or Caucasians. The general code items were “exploit whomever you can,” “don’t kiss ass,” “don’t rat on your peers,” “don’t give up your ass,” “be cool,” “don’t get involved in inmate affairs,” “don’t steal squares” (cigarettes), and “don’t buy the mind fucking thing.” Additional norms for blacks were “exploit whites,” “no forcing sex on blacks,” “defend your brother,” and “staff favor whites.” For whites, the additional norms were “don’t trust anyone” and “everybody for himself.”^[40]

Obviously these are not the kind of norms conducive to successful living on the outside, but rather they are guides to successful living on the inside.

A very detailed study in the 1970s by three criminologists of an institution in Columbus, Ohio focused on the extent of victimization within these institutions describes a rather brutal social system. Within the “jungle” (the term the inmates themselves use) the powerful prey on the weak (not surprising since this is what they learned from our culture long before they arrived at this institution). The overwhelming majority engaged in some form of exploitation.^[41]

A number of *social roles* were found within this institution, according to the *inmate subculture* that has existed ever since such institutions were opened in the 19th century. Some youths are classified as “aggressive,” while others are “manipulative” and still others are “passive.” Those who pursue the more aggressive roles are called by various names, such as “cottage leaders” along with “lieutenants” and “sexual exploiters.” The cottage leader is often referred to variously as “wheel,” “bruiser,” “duke” and “heavy.” The lieutenants who work for the leaders are called “vice-president,” “tough boy,” “thug,” “bad dude” and even “wise guy” (borrowing organized crime terminology). Sexual exploiters are called such names as “daddy” and “booty bandits.”^[42]

The manipulators are those youths who do what is necessary to just survive and make their stay easier. They “go their own time.” Others call these youths “slick,” “cool” and “con man.” There are also those who engage in various businesses and these are known as “peddlers” or “merchants.”

Passive youth are not deeply involved in the inmate social system and general are “pro-staff.” They are generally referred to as “straight kid,” “quiet type” and “bushboy.” Some youths are put down as “messups,” “weak-minded” and “lame.” Those who are victimized sexually are called “punks,” “sweet boy,” “girl” and “fag.”^[43]

What is most interesting about this study is that the authors returned 15 years later for a follow-up. What they found was not encouraging. They discovered that the youth

culture still exists and victimizes the weak, although less for sex than for food, clothing and toiletries. Consensual sexual behavior seems to be more prevalent, while the proportion that are violent are in the minority and the majority are minor drug dealers, addicts and users of drugs. Gangs do not dominate within the institution, as popularly believed. Most discouraging is the fact that treatment has “all but disappeared,” with the lone exception of a drug abuse program. The authors quoted one social worker who said that “We don't do anything in here for kids.” Another member of the staff added that “This place is a warehouse for children.”^[44] Is this surprising, given how the surrounding society has given up on these kinds of youth, particularly since the majority are racial minorities?

A Notorious Example: The California Youth Authority

Not since the scandals within the houses of refuge have we witnessed the total failure of juvenile prisons as in the case of the California Youth Authority (CYA). As noted earlier in the chapter, this system consists of 11 youth “correctional institutions,” 11 forestry camps, 59 detention facilities and several dozen “probation camps” scattered all over the state. The CYA was the result of the passage of The Youth Corrections Authority Act of 1941. The law created a three-person commission, mandated the acceptance of all youths under the age of 23 who had been committed to various prisons and already existing youth facilities (e.g., Preston School of Industry, Ventura School for Girls, Fred C. Nelles School for Boys), and appropriated \$100,000 to run the Authority for two years.^[45] The youths sent to the CYA were referred to as “wards” - a name that has remained ever since. A year later they established “camps” and a unit called “Delinquency Prevention Services.” In 1945, the Division of Parole was created and plans began to open new institutions, many at old military bases no longer being used because the war had ended (e.g., California Vocational Institution at Lancaster - an old Army/Air Force Base).

The official “mission statement” is revealing. It is as follows.^[46]

The mission of the California Department of the Youth Authority is to protect the public from criminal activity by providing education, training, and treatment services for youthful offenders committed by the courts; assisting local justice agencies with their efforts to control crime and delinquency; and encouraging the development of state and local programs to prevent crime and delinquency.

In addition to providing education, training, and treatment services for youthful offenders, the Department is broadening its focus to include the needs of victims and communities. It is the Department's intention to address the needs of victims and communities through the provision of direct services as well as programs targeting youthful offenders.

The mission statement further states that “We treat all people with dignity, respect and consideration.” Also, “We demonstrate behavior which is fair, honest, and ethical both on and off the job.” A lofty set of goals that typify those of previous institutions and agencies established to respond to young offenders.

The reality, however, is far different, as revealed by recurring scandals within the CYA. A series of reports surfaced back in the 1980s condemning practices within the CYA. For example, the first of three reports was written by Steve Lerner and was called *The CYA Report: Conditions of Life at the California Youth Authority*. The second report had a much more ominous title: *Bodily Harm: The Pattern of Fear and Violence at the California Youth Authority*.^[47] The third and final report was co-authored with Paul and Anne DeMuro and entitled *Reforming the California Youth Authority*.^[48] All three reports documented extreme brutality and the lack of meaningful treatment within these institutions. The third and final report noted that the CYA institutions “are seriously overcrowded, offer minimal treatment value despite their high expense, and are ineffective in long-term protection of public safety.” At the time the CYA was over 150% capacity with 9,000 wards packed in to institutions designed for 5,840. The report further noted that the Youthful Offender Parole Board played a key role in the overcrowding, resulting in the legislature cutting its budget by one-third because of the board’s failure to follow its own guidelines. The report called the board a “structural anomaly” and recommended it be abolished.^[49]

A more recent report found that the “wards” of the CYA often lived in constant fear. One youth admitted that “I cried at 3 o’clock in the morning. Quietly. Everyone did...I was living in fear 22 hours a day in that place.” Another youth stated that “It was too dangerous to sleep at night.” Many youths belonged to gangs before they came in and such ties are merely strengthened once inside. Many join gangs just for protection. One youth, who was Cuban but looked white, said that he refused to join a gang when he was in but just before his release he was given a warning by a gang leader that if he did not join a gang then “I wouldn’t make it.”^[50]

Apparently the findings of the report fell on deaf ears for the CYA continued along its merry way, although it did begin dealing with the problem of overcrowding and reduced its population from a high of around 10,000 in the mid-1990s (note that the population had increased since the Lerner reports were issued) to a current population of around 4,300.^[51] The CYA did adopt a policy in 1998 that required each ward to obtain a high school diploma as a condition of parole. In 1999 the state legislature enacted a law requiring the department to provide a course of study for all wards not having a high school diploma. A recent report by the Legislative Analyst’s Office noted that these requirements “have created a substantial need for additional and upgraded education facilities. A significant amount of the educational program at various institutions is delivered in temporary buildings. These temporary buildings inherently have a rather limited useful life, and have functional deficiencies such as inadequate security and ineffective air conditioning at institutions located in warm climates. The location of some of these temporary buildings is also an issue because they are often located a distance from housing units, requiring intensive staff supervision of ward movements.”^[52]

CYA scandals have persisted to the present day. In the fall of 2004 the CYA was once again rocked by revelations of extreme brutality, suicides, horrible physical conditions and almost total failure to live up to its mission statement. The following report from the *Los Angeles Times* reflects the problems:

Efforts to reform California's correctional system for the young will go nowhere unless the state closes its prisons and shifts inmates to small living centers with intensive treatment and abundant staff, national experts

on juvenile justice said Tuesday. Capping a year of scandal within the state's juvenile prisons, the experts told a special state Senate committee on corrections that merely tinkering with the California Youth Authority is pointless. Instead, they said, California must follow the lead of Massachusetts and Missouri, closing lockups that house as many as 900 inmates and starting over with a new model that will better prepare youths to live crime-free once released.

"We're in an emergency situation and we need emergency action," said Barry Krisberg, president of the National Council on Crime and Delinquency. "This might be a big-ticket item, but the Legislature and the voters need to realize that we've starved this system for a long time — we've played it on the cheap — and it's time to do something different."

His sentiments were echoed by Dan Macallair, a 20-year veteran of juvenile justice work. "The California Youth Authority is a dinosaur ... based on a 19th century model," he said. "The institutions need to be torn down."^[53]

This report noted that two recent suicides raised the total to 15 since 1996. Other reports noted incidents where offenders were placed in small cages inside their "classrooms," which was halted in the spring of 2004. The reference to Missouri's system in the above quote should be noted. Space does not permit a complete discussion of what that state has done in recent years, following the closure of most "training schools" in the 1980s. More detail is provided in the appendices of this book.

A special report in *U.S. News and World Report* noted: "At the Heman G. Stark Youth Correctional Facility here, the K&L disciplinary lockdown is known as 'the Rock.' Here dim corridors are lined with the steel doors of a dozen concrete cells. The air is dank, and the drip-drip of water echoes quietly, thanks to the perpetually leaking showers. On the mental health unit, shouts and curses bounce off the walls. In a cell, a young man with his head down paces silently, back and forth, back and forth." The writer of this report said it was "just another day at Stark" and quoted one expert who called the CYA system "a very dangerous place" with "an intense climate of fear." Last year at Stark there were almost 300 attacks --- "more than double the previous year's total."^[54]

A report in May, 2004 found revealed that a CYA officer was caught on video letting his German shepherd bite a 20-year-old prisoner on the leg, even though the inmate was following orders and lying on the floor. This was the second such episode in four months caught on tape at a CYA institution in Stockton.^[55]

Still another report on the news of two more deaths within a CYA institution revealed "excessive rates of violence; inadequate mental health care and educational services; overuse of isolation cells; and deplorable conditions, including feces spread all over some of the cells. Some boys were being forced to sit or stand in cages while attending classes, a 'normal' situation in the state's Kafkaesque system." Going even further the report noted that:

Just as shocking as the litany of CYA abuses is the fact that institutions such as Preston Training School simply don't work. A growing body of

research shows that young people incarcerated in large institutions get rearrested more frequently, and for more serious crimes than their counterparts with similar delinquency histories who are not incarcerated. For example, a study that compared matched samples of offenders in Arkansas found that the incarceration experience was the single greatest predictor of future criminal conduct, dwarfing the effects of gang membership or family dysfunction. It's not surprising then, that more than nine out of 10 CYA "graduates" are back in trouble with the law within three years of their release. On top of that, the CYA system costs taxpayers a whopping \$85,000 a year per youth. It seems likely that if the majority of CYA youths came from white, middle-class neighborhoods, the public would never stand for its failures and abuses.^[56]

Numerous additional reports appeared in the *Los Angeles Times* during 2004 that echoed this report.^[57] One of these reported on a special senate hearing where state Senator Gloria Romero (D- Los Angeles) said, after reviewing a report that was part of a class action suit filed by a group of CYA wards that called the conditions "chilling" where some inmates were kept in "steel-mesh cages not much bigger than phone booths." Romero said the CYA was "totally failing in its mission to rehabilitate youths." She called it a system "that is in chaos, ruled by fear and neglect," despite an expenditure of more than \$80,000 annually on each young offender.^[58]

A class action law suit was filed in 2002 alleging unconstitutional treatment of inmates. A report in the *Los Angeles Times* summarizes this case:

Last year, the lawsuit was refiled in state court as a taxpayer action, alleging, in essence, that the CYA was improperly spending state funds on unlawful practices.

The plaintiff is Margaret Farrell of Reseda, whose nephew, mentally ill inmate Edward Jermaine Brown, was locked in a filthy isolation cell for 23 hours a day for seven months, the lawsuit said. The toilet in the cell often did not function and Brown was fed "blender meals," a whipped mix of food groups, through a straw pushed through his cell door.

Since the lawsuit was filed, the CYA has closed the housing unit where Brown was locked up and stopped the blender meals.^[59]

Then there is the following report of a judge ordering that no more youth be sent to the CYA:

San Mateo County abruptly halted sending children and teenagers to the California Youth Authority this week, responding to newspaper accounts of brutal and inhumane conditions inside the statewide juvenile prison system. Initiated by presiding juvenile court Judge Marta Diaz, the action makes San Mateo the second Bay Area county planning to keep youths in their home counties, rather than subjecting them to conditions of confinement inside the state's 10 lock-up facilities. Tuesday, San Francisco Supervisor Tom Ammiano introduced a moratorium on all non-mandatory commitments to CYA. Supervisors will vote on the

moratorium at a meeting next week. Probation officials are also taking action, responding to recently released state-commissioned reports that detail a climate of ward-on-ward brutality and harsh institutional treatment, including confining youths in cells 23 hours per day. The CYA reviews found that substance-abuse treatment was below national standards, and the reports concluded that mental-health services were failing the majority of inmates, ages 12 to 25, who suffer from psychiatric disorders.^[60]

This was reported in the *San Jose Mercury News* and was followed up by a series of reports in the fall further documenting the travails of the CYA.^[61]

On November 16, 2004 Governor Arnold Schwarzenegger announced plans for an “overhaul” of the CYA. According to a report in the *Los Angeles Times* Schwarzenegger said that “The lawsuit said that California should have done a better job with its young offenders, and it was right.... We are on the right track now.” The Governor also said that the agreement will “put the focus back on rehabilitation” and give the CYA’s 3,700 young inmates “a better chance to succeed in life,” he said. The *Times* story then notes that the Governor said that this “settlement” is a good start in that it will lead to a reduction in crime and save the state several million dollars (money spent fighting the lawsuit). Additionally, the CYA “also agreed to a set of short-term fixes, including the development of a system to separate vulnerable inmates from dangerous ones, reducing the time prisoners spend in isolation cells, and improvements in the handling of inmates on suicide watch.”^[62] Part of the settlement requires independent experts who have been hired to study the CYA. In their first report, released in February, 2004, they portrayed a system in which violence was, in their words, “off the charts” and in which “medical care, psychiatric treatment, education services, gang management, and suicide prevention were inadequate.”

It is unlikely that this will result in significant changes. Note that in the above statement that they will only reduce time spent in isolation cells and “make improvements” in the way they handle kids who are on suicide watch. Thus, isolation will still be used. Note the words of one critic who said that “This agreement does not transform the CYA, it merely brings it up to a tolerable level. The danger is that the governor will tie a ribbon around this and call it a day, when there’s a lot more that needs to be done to re-engineer the system.” Critics have pointed out “that what’s missing is any requirement that the state house inmates in smaller living units, as opposed to the massive prison-like facilities that typify the CYA. Most researchers believe — and several states have proved — that small groups more effectively foster the human connections troubled youths need to turn around their lives.”^[63]

The story in the *Los Angeles Times* ended by describing a “tour” of one youth prison taken by the Governor in a place called Chaderjian.^[64]

After his announcement of the settlement Tuesday, Schwarzenegger took a 30-minute tour of Chaderjian, a complex of squat, cream-colored buildings with blue trim encircled by chain-link fencing topped with coiled razor wire. Among his stops was a housing unit, home for 48 inmates with acute mental health problems. Standing in an elevated

control booth with windows on all sides, the governor overlooked a spartan day room with orange plastic chairs, a ping-pong table and several metal tables bolted to the floor. About 10 young men were gathered, and one waved back at the governor when he waved to the group.

Finally, an audit by the Office of the Inspector General was released in January, 2005, accusing the CYA of “failing to give offenders the education and training that could save them from a life of crime.” A story in the *Los Angeles Times* noted that the CYA youth prisons “are still confining too many wards for 23 hours a day,” and the audit called such a practice “ineffective and dehumanizing.” The report “found that 27 youths at a Chino detention facility were locked up around the clock, except for five-minute daily showers. And 39 youths at a Stockton facility were locked down for more than 30 days, with three kept in their cells for more than 200 days.

Numerous other wards, the audit found, were receiving little in the way of required teaching and counseling designed to help prepare them for their eventual release.” The Inspector General, Matthew Cate, stated that the “most troubling” finding of the report “is that many of the deficiencies that have not been corrected are central to the Youth Authority's core mission of rehabilitating the young people entrusted to its care.”^[65]

On January 31, 2005 the State of California signed an agreement with juvenile justice advocates (who had brought the law suit noted above) and filed it in Alameda County Superior Court. The agreement puts “therapy and positive reinforcement at the heart of California's youth prison system, rejecting today's more punitive approaches in favor of models that have been successful in other states.” The court order resulting from the lawsuit says that the CYA must:

- Shift to an “open programming” model, as opposed to one that confines inmates in their cells for long stretches at a time, at all prisons by May 2. Under the change, inmates must be released for education, meals, treatment and recreation on a daily basis, and dangerous youths would be separated from those considered vulnerable.
- House youths in the facility closest to their homes. This addresses a chief complaint of families, who often live hundreds of miles from their incarcerated children, making visits difficult.
- Involve families in the therapy provided to youths, unless it would be considered detrimental to the inmate.
- Emphasize “positive reinforcement rather than punitive disciplinary methods” to encourage good behavior.
- Require all staff who work with youths to be trained in rehabilitative and treatment services.^[66]

There is one item that is not specified in the court order, namely the size of living units in each youth prison. Research has shown that the smaller the number of youths

housed in a particular unit allows for greater staff interaction and familiarity with the youths living there, which makes rehabilitation easier.

Naturally, not everyone is satisfied with such changes. The comment by a retired corrections officer who was stabbed by one of the inmates probably reflects a common perspective:

“Who wrote this plan, Walt Disney?” scoffed David Darchuk, a prison officer who recently retired after he was stabbed by an inmate at the N.A. Chaderjian Youth Correctional Facility in Stockton. “We're not talking about bicycle thieves and runaways. These are murderers, carjackers, hard-core criminals. Therapy and coloring crayons aren't going to help.”^[67]

Views like this illustrate a common stereotype about treatment among conservatives, especially those who work within the prison system. Many who share his views will no doubt resist the changes and maybe even attempt to undermine them.

What is occurring here may be a “political solution” to pacify a public that is largely uninformed about the realities of youth prisons. By “political solution” I merely mean that a “band-aid” may be used to fix a totally ruptured system that may need to be abandoned. It remains to be seen whether or not the court order will be effective. Given the history of “reforms” the changes are most likely to be cosmetic in nature. The promise that “treatment” will be provided rings very hollow, since they have promised that from the day the CYA was opened more than 60 years ago. There are simply too many with a vested interest in keeping the system the way it is. This is amply demonstrated in an Arizona case, to be detailed in the next section.

One More Example: A Treatment Program that Failed

On many occasions a treatment program is introduced within one of these institutions, usually with much fanfare and great promise. Most fail for one of two reasons: either the theory behind the program (i.e., a theory of why people commit crime) or the program is not implemented correctly. Sometimes we discover that both of these reasons are present. Such was the case with a program that began in Arizona back in the early 1990s.

The emergence and ultimate failure of a program that promised to reduce youth crime is discussed in great detail in one of the best books ever written on the subject.^[68] A “model” program was established at a juvenile prison near Tucson after a class action lawsuit (*Johnson v. Upchurch*, 1986) charged that the “policies, practices, and conditions of confinement” at this prison amounted to “cruel, unconscionable, and illegal conditions of confinement.”

The program that was instituted was to embrace “collective problem solving” in an “atmosphere of respect” which was to replace inflexible rules that usually dominate prisons. The program was supposed to “give youths a greater sense of control over their lives, to encourage them to affirm their own worth, and to engender hope for the future” write Bortner and Williams in the first chapter. Four chapters later, after confronting the demise of the program and the failure to live up to its promises, the authors explain why this happened. It is not a new story, for it has happened over and over again throughout

the history of juvenile prisons. The program's decline began a mere three months into the program. It seemed that just about the only people who really wanted this to succeed were the youths themselves and a small number of dedicated staff. Those in charge wanted first and foremost to satisfy the demands of the lawsuit and to quickly demonstrate success. There was constant resistance from staff and administrators (with administrators described as "authoritarian" in their management style) plus political opposition from conservative forces.

More than this, however, was the fact that a model program was set up but the "working conditions for most staff members did not improve" and they continued to receive "low salaries, demanding working conditions, menial tasks, and perceptions of lack of support and respect from superiors."

More than this, however, was a more fundamental problem. The problem can be summarized as follows: good intentions notwithstanding, even the best "programs" operated within the juvenile and adult prison system are doomed to failure for the simple reason that the various social and personal context that resulted in a person's problems with drugs, gangs, and violence are left untouched. The authors write as follows: "For most youths, going home meant a return to poverty and unemployment, troubled homes, the allure of alcohol and drugs, the dominance of gangs, and daily hardships." Indeed, it would be like sending an alcoholic to a 30-day treatment center and then sending him back to a bar and telling him he must "just say no" to alcohol. The authors note that "unresolved problems awaited the youths when they were released from prison. Outside the prison, fundamental social conditions remained unchanged. When they were paroled, within a few days or a few hours youths confronted the same old pressures and many reverted to familiar responses and solutions." The authors also perceptively note that these youths "are placed in an untenable position when they are encouraged to change their behavior and to develop high aspirations, only to return to their virtually unchanged communities."

Not surprisingly, some youths did not want to leave the prison, for inside they were safe and they were able to adjust to the surroundings. This phenomenon has been called "institutionalization" or "prisonization" by researchers going back more than 50 years.

Many youths spoke of the inevitability of returning to their old ways of behaving, as if they had no alternatives. They may be correct in such an assessment. Some described the temptations of their old life as "sucking" them back in. Where are they supposed to go live when they get out? Staff members suggested finding new friends who are not into gangs and drugs. But the only way to do this would be to literally move!

One additional problem emerged within this program and points to the common failure of implementation: the failure to establish a substance abuse program, which was the last of three specialized, intensive programs developed. This was despite the fact that around 90 percent of the youths had used drugs. The first specialized unit was for "sexually aggressive behaviors," in spite of the fact that less than 10 percent were charged with such crimes. Another priority was to address violent behavior, although less than 40 percent had committed violent offenses. The authors note that the program's "failure to confront the youths' extensive drug and alcohol problems mirrored society's failure." My suspicions are that these priorities reflect the personal priorities of key political figures in the state.

This makes me wonder if these are simply *planned failures* rather than good intentions gone awry. If those who have the power really cared, the social conditions that lead youth to crime and drugs would be eliminated. But why eliminate such conditions when you and your class directly or indirectly benefit from their existence?

The CYA and the prison in Tucson are not alone for juvenile prisons all over the country (and in some other countries) have experienced similar failures. The ghosts of houses of refuge continue to the present day.

One of the above reports quoted one study that found a 90 percent recidivism rate among the graduates of the CYA. This is not surprising, nor a new story. It is merely the same story, but a different day. Let's take a closer look at the subject of recidivism.

High Recidivism Rates Plague Juvenile Prisons

A standard measure of the success of any program dealing with offenders is *recidivism*. This term refers to when someone who has been convicted of a crime is subsequently re-arrested for another crime. There are several variations, however. Recidivism can be operationally defined as only a re-arrest, or it can be defined as being convicted or it can be defined as being returned to prison or jail.^[69] In juvenile cases, it can be measured as either an arrest, a referral to juvenile court, a petitioned filed, or a re-commitment to an institution.^[70] Whatever method is used, it is one of the best methods of measuring the effectiveness of a policy.

In the case of juvenile prisons the record has not been a good one, as numerous studies have shown. In fact, in some cases there is a suspicion that some states are reluctant to reveal the results or even to conduct studies. A case in point is taken from the state of South Carolina where it was reported that "The state Department of Juvenile Justice has not studied the recidivism of incarcerated juveniles since 1995, leaving the state unable to measure if rehabilitation programs work." The report further noted that in 1994 there was a report that 71 percent of juveniles released from juvenile institutions committed new crimes after their release. The following year a district court judge used these figures in his finding that the conditions at these institutions violated the constitutional rights of the confined juveniles. The judge further noted that:

Although exact figures are difficult to obtain, the evidence indicates that between 56 and 82 percent of DJJ juveniles later commit crimes as adults. In some cases, South Carolina juvenile correctional facilities produce graduates who later swell the populations of adult correctional facilities and figure prominently in the ranks of those who later commit violent offenses as adults.

This report also noted that in 1995 the state Department of Juvenile Justice updated a previous study and found that "80 percent of those incarcerated returned to crime after their release."^[71]

Similar results can be seen in other parts of the country. A study in Minnesota, for example, found that between one-half to three-fourths of males were either petitioned to juvenile court or arrested for crimes as an adult within two years following their release from juvenile correctional facilities. For females the rates were considerably lower, but nevertheless ranged from a low of 41% to a high of 58%. In two particular

institutions (called Red Wing and Sauk Centre), more than 90 percent of those released in 1985 were arrested as an adult before the age of 23 and 69 percent of had been sent to adult prison.^[72]

A very comprehensive study in Oregon found that among a cohort of more 3,000 juvenile offenders, about half of those released from Oregon youth prisons at age 17 or 18 ended up in the adult prison system; about 40 percent of those released at age 16 ended up in adult prison.^[73] The total recidivism rate was 42 percent. The study also found that females had a significantly lower rate of recidivism (21%) than males (45%). Note here that the definition of “recidivism” was an arrest as an adult. Consistent with other longitudinal studies, the earlier the age of first contact with the juvenile court, the higher the proportion of those who ended up in the adult system (e.g., 57% of those age 12 ended up in the adult system versus 43% of those whose first referral was at age 17).^[74] Another interesting finding, also consistent with prior research, was that the longer a youth spend at a juvenile institution the higher was the recidivism rate.^[75]

A report in Hawaii came up with the same sad results. In this case a research project examined 805 cases of youths released from the Hawaii Youth Correctional Facility (HYCF) between 1995 and 1999. The study found that 82 percent of those released were re-arrested within two years; 57 percent were re-convicted; 32 percent were re-confined at either HYCF or an adult facility. Recidivism rates were significantly higher for those with the greatest number of commitments, the greatest number of parole returns, the most escapes and the highest number of misconduct reports. The number of runaways, the age of first use of drugs, and the number of suicide risk indicators were also related to recidivism. The report also noted that the recidivism rates for the period studied were greater than a prior study completed in 1984.^[76]

High recidivism rates are even found in other countries. For instance, a study in Queensland, Australia, found that although only a small percentage of young offenders are sent to some sort of secure institution, 79 percent ended up within the adult correctional system (either community corrections or prison (49 percent served a term in prison)).^[77]

Finally we come to the California Youth Authority where the recidivism rates are among the highest anywhere, with one report noted a recidivism rate of 91 percent!^[78] A recent series by the *San Jose Mercury News* found that while recidivism rates for those released from the CYA vary considerably (from just under 50% to the above-cited 91%), they cite the most recent study which found that 74 percent are arrested within three years of their release. What is interesting here is that this is the result of a computerized review of police records of more than 28,000 who were released between 1988 and 2000. The study was supervised by the Chief of Research Rudy Haapanen. The director of the CYA, Walter Allen, did not deny the figures, saying such a high rate is “unacceptable” and that the objective of his agency is “to protect society by doing the best job we can. If we don’t, we create more victims.” Property offenders had a higher recidivism rate than violent offenders (80% v. 70%), a figure consistent with the literature already cited above.

This study found that the recidivism rate was lower for females (52%), which is consistent with prior research; males had a rate of 75 percent. Recidivism also was lower for the youngest and oldest youths released; those under 17 had a rate of 60 percent,

which was the same as those over 21. These were in the minority, as most were between 17 and 21 years of age and their recidivism rate was 76 percent.^[79]

What most of the research is quite emphatic about is that recidivism rates are significantly lower among youths who receive different dispositions than youth prisons. Holding constant other variables, those who are given probation and given a variety of intensive services (e.g., drug treatment, tutoring, mental health counseling, family counseling, etc.) have much lower recidivism rates. The study by the Center on Juvenile and Criminal Justice found the following barriers to successful re-entry: ^[80]

- Lack of educational options: the average age of those released from the CYA is 21, which excludes them from the state's responsibility to provide an education;
- Lack of housing options: many have no families to speak of and there is a short supply of residential housing, especially "transitional housing";
- Limited skills and education: in 2001 only 11.5 percent of those in the CYA passed the California High School Exit Exam;
- Gang affiliations and related racial tensions: just being locked up in the CYA solidifies whatever gang ties a youth had upon entry;
- Institutional identity: this relates to the concept of "state-raised youth" which means, among other things, that most CYA youths are never prepared for an independent life upon release;^[81]
- Drug problems: more than 65% have drug problems;
- Mental health problems: the CYA estimates that 45% of males and 65% of females have serious mental health issues;
- Lack of community support and role models: most of those released will return to the same impoverished conditions they came from, along with family dysfunctions, drug problems, violence and gangs;
- Legislative barriers: these limit access to education, cash assistance, housing, employment, etc. that are automatically closed to ex-cons.

The authors of this report conclude that: "The multiple service needs and histories of violent behavior among CYA wards necessitate a system of care that addresses the root causes of criminal activity." What is needed, in short, is adequate "after-care" or parole services not only for those released from the CYA but all youth prisons. Space does not permit a complete review of the problems concerning after-care. The literature clearly shows this to be a serious problem.^[82]

A Concluding Thought

Although it has been quoted hundreds of times, the statement by the philosopher George Santayana (1863-1952) is appropriate here: “Those who cannot remember the past are condemned to repeat it.”¹⁸³¹ Also, a common definition of “insanity” is repeating the same behavior after repeated failures and thinking that the outcome will be different. This is the legacy of almost 200 years of juvenile imprisonment.

Table 1. Offense Profile of Committed Residents by Sex and Race/Ethnicity for United States, 2001 (rate per 100,000 juveniles).

Most serious offense	Committed							
	Sex			Race/Ethnicity				
	Total	Male	Female	White	Black	Hispanic	American Indian	Asian
Total	246	417	65	155	634	253	468	83
Delinquency	233	403	55	145	608	247	432	79
Person	85	147	20	50	231	89	174	29
Violent Crime Index*	59	106	9	32	166	66	129	20
Other Person	26	41	11	18	65	23	44	9
Property	73	128	16	49	176	74	137	27
Property Crime Index**	61	107	13	41	146	63	115	23
Other Property	12	21	3	8	30	12	22	4
Drug	22	39	4	11	70	25	23	5
Public order	25	44	4	16	61	28	42	8
Technical violation	28	45	11	18	69	30	55	10
Status offense	12	14	10	10	26	7	36	4

* Includes criminal homicide, violent sexual assault, robbery, and aggravated assault.

** Includes burglary, theft, auto theft, and arson.

Source: Sickmund, M., Sladky, T.J., and Kang, W. (2004) “Census of Juveniles in Residential Placement Databook.” http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/asp/Offense_Committed.asp?state=0&topic=Offense_Committed&year=2001&percent=rate

Notes

[1] See the following web site for details about this famous experiment:

<http://www.prisonexp.org/>

[2] Ibid.

[3] Sutton, J. R. (1988). *Stubborn Children: Controlling Delinquency in the United States*. Berkeley: University of California Press.

[4] Rendleman, D. (1979). "Parens Patriae: From Chancery to Juvenile Court." In F. Faust and P. Brantingham (eds.), *Juvenile Justice Philosophy* (2nd ed.) St. Paul, MN: West, p. 63.

[5] Teitelbaum, L. E., and L. J. Harris. (1977). "Some Historical Perspectives on Governmental Regulation of Children and Parents." In L. E. Teitelbaum and A. R. Gough (eds.), *Beyond Control: Status Offenders in the Juvenile Court*. Cambridge, MA: Ballinger.

[6] Empey, L. T. (ed.). (1979). *The Future of Childhood and Juvenile Justice*. Charlottesville: University Press of Virginia, p. 59.

[7] Brenzel, B. (1983). *Daughters of the State*. Cambridge: MIT Press, p. 11.

[8] This group was formerly called the Society for the Prevention of *Pauperism* (another word for poverty). For a discussion of this group and a detailed description of its upper-class backgrounds see: Pickett, R. (1969). *House of Refuge*. Syracuse: Syracuse University Press, pp. 21-49.

[9] Ibid, p. 33.

[10] Abbott, G. (1938). *The Child and the State*. Chicago: University of Chicago Press, p. 348.

[11] Pickett, p. 15 for quote and p. 6 is reference to % Irish.

[12] Mennel, R. (1973). *Thorns and Thistles: Juvenile Delinquents in the U.S., 1820-1940*. Hanover, NH: University Press of New England, p. 103.

[13] Pisciotta, A. (1982). "Saving the Children: The Promise and Practice of *Parens Patriae*, 1838-98." *Crime and Delinquency* 28: 410-425.

[14] Ibid; Hawes, J. (1971). *Children in Urban Society*. New York: Oxford University Press, pp. 47-48; Bremner, R. H. (ed.). (1970). *Children and Youth in America*. Cambridge: Harvard University Press, pp. 689-691.

[15] The wording used here is taken *verbatim* from the law, passed in Pennsylvania in 1826, which authorized the House of Refuge, "at their discretion, to receive into their care and guardianship, infants, *males under the age of twenty-one years, and females under the age of eighteen years*, committed to their custody..." (emphasis added). Note the obvious distinction based upon gender. This exact same statute was reproduced in numerous state laws throughout the 19th century. I found an example in my own study of Memphis, Tennessee (Shelden, R. G. 1976, "Rescued from Evil; Origins of the Juvenile Justice System in Memphis, Tennessee, 1900-1917." Ph.D. dissertation, Southern Illinois University, Carbondale; Shelden, R. G. and L. T. Osborne, 1989. "For Their Own Good': Class Interests and the Child Saving Movement in Memphis, Tennessee, 1900-1917," *Criminology* 27:801-821).

[16] *Ex Parte Crouse*, 4 Wharton (Pa.) 9 (1938); for the significance for girls see Shelden, R. G. (1998). "Confronting the Ghost of Mary Ann Crouse: Gender Bias in the Juvenile Justice System." *Juvenile and Family Court Journal* 49: 11-26.

[17] *Ex Parte Crouse*.

- [18] All of these charges are well documented in the following works: Mennel, *Thorns and Thistles*; Hawes, *Children in Urban Society*; Bremner, *Children and Youth in America*; Pisciotta, "Parens Patriae." Abuses within the juvenile justice system have continued to the present, with one scandal after another throughout the 20th century. As these words are written (September, 2004), a huge scandal surrounds the California Youth Authority: Cannon, A. (2004). "Special Report: Juvenile Injustice," *US News and World Report*, August 3.
- [19] Bernard, T. J. (1992). *The Cycle of Juvenile Justice*. Oxford: Oxford University Press, pp. 70-72; "People v. Turner." (1974), in Faust and Brantingham, *Juvenile Justice Philosophy*.
- [20] For further discussion of this issue see Chesney-Lind, M. and R. G. Shelden. 2004. *Girls, Delinquency and Juvenile Justice* (3rd ed.). Belmont, CA: Wadsworth.
- [21] *Commonwealth v. Fisher*, 213 Pa. 48 (1905).
- [22] Faust, F. and P. Brantingham (eds.), *Juvenile Justice Philosophy*. 2nd ed. St. Paul, MN: West, p. 299.
- [23] Miller, J. (1998). *Last One Over the Wall* (2nd ed.). Columbus: Ohio State University Press.
- [24] In the Vietnam War we did the same thing, such as calling the unnecessary killing of innocent civilians "collateral damage."
- [25] Twedt, S. (2001). "U.S. detention centers becoming warehouses for mentally ill youth." *Pittsburgh Post-Gazette*, July 15.
<http://www.post-gazette.com/headlines/20010715surveyJP3.asp>.
- [26] Bazelon Center for Mental Health Law (2004). "Thousands of Children with Mental Illness Warehoused in Juvenile Detention Centers Awaiting Mental Health Services." July 7. <http://www.bazelon.org/newsroom/7-7-04jjhearing.htm>.
- [27] Ibid.
- [28] "Report: Mentally ill teens 'warehoused' in jails." *Associated Press*, July 07.
<http://adawatch.org/warehousing.htm>.
- [29] Parent, D. G., V. Lieter, S. Kennedy, L. Livens, D. Wentworth, and S. Wilcox (1994). *Conditions of Confinement: Juvenile Detention and Correctional Facilities*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- [30] Office of Juvenile Justice and Delinquency Prevention (1998). "Beyond the Walls: Improving Conditions of Confinement for Youth in Custody."
<http://www.ojjdp.ncjrs.org/pubs/walls/contents.html>
- [31] Human Rights Watch (1997). "High Country Lockup: Children in Confinement in Colorado." <http://www.hrw.org/reports/1997/usacol/>
- [32] Indiana Department of Corrections.
<http://www.in.gov/indcorrection/facts/facil/logjuv.html>
- [33] Virginia Department of Juvenile Justice.
http://www.djj.state.va.us/Media/media_kit_rev.pdf
- [34] Oklahoma Department of Corrections. <http://www.state.ok.us/~oja/roc.htm>
- [35] Walker, Spohn and DeLone, *The Color of Justice*, pp. 223-224; U.S. Department of Commerce. *Statistical Abstracts of the U.S.* Washington, D.C.: U.S. Government Printing Office, 1975, p. 419; see note 69 for the source of the 1997 numbers.

- [36] For a particularly gruesome account of actions within one of these “correctional” institutions see the movie *Sleepers* (staring Brad Pitt, Robert DeNiro and Dustin Hoffman).
- [37] Vinter, R. D. et al. (eds.). *Time Out: A National Study of Juvenile Cor-rectional Programs*. Ann Arbor, Mich.: National Assessment of Juvenile Corrections, The University of Michigan, 1976.
- [38] Irwin, J. (1970). *The Felon*. Englewood Cliffs, NJ: Prentice-Hall, p. 74. These types still can be found in many prisons today. See Austin, J. and J. Irwin (2001). *It's About Time: America's Incarceration Binger* (3rd ed.). Belmont, CA: Wadsworth.
- [39] Barker, G. E. and W. T. Adams. "The Social Structure of a Correctional Institution." *Journal of Criminal Law, Criminology and Police Science* 49 (1959), pp. 417-499; Polsky, H. *Cottage Six*. New York: Russell Sage Foundation, 1962; Jes-ness, C. F. *The Fricot Ranch Study*. Sacramento: State of California, Department of the Youth Authority, 1965; Street, D., R. D. Vinter, and C. Perrow. *Organization for Treatment*. New York: Free Press, 1966.
- [40] Bowker, L. *Prisoner Subcultures*. Lexington, MA.: Heath, 1977, p.100.
- [41] Bartollas, C., S. H. Miller, and S. Dinitz. *Juvenile Victimization: The Institutional Paradox*. Beverly Hills: Sage Publications, Inc., 1976.
- [42] Bartollas and Miller, *Juvenile Justice in America*, pp. 264-265.
- [43] Ibid.
- [44] Miller, Bartollas and Dinitz, *Juvenile Victimizatton Revisited: A Study of TICO Fifteen Years Later* (unpublished manuscript), cited in Bartollas and Miller, pp. 265-266.
- [45] This information obtained through the CYA web site:
<http://www.cya.ca.gov/About/history.html>.
- [46] Ibid.
- [47] The first report was published in 1982 and the second in 1986. Both studies were funded by the Commonweal Research Institute and published by Common Knowledge Press in Bolinas, CA.
- [48] Published in 1988 by Common Knowledge Press.
- [49] Ibid, p. 11.
- [50] Byrnes, M., D. Macallair, and A. D. Shorter (2002). “Aftercare as Afterthought: Reentry and the California Youth Authority.” San Francisco: Center on Juvenile and Criminal Justice.
- [51] Among the criticisms issued by the Lerner reports (and reports on many other institutions over the years) is that many, if not most, youths did not commit the kinds of offenses that warranted such a strong sentence. There was always the belief among those in charge of sentencing that such offenders were “dangerous” and needed to be “sent up.” The fact that the CYA has reduced the number of wards under its control apparently confirms these criticisms.
- [52] California Legislative Analyst’s Office (2004). “A Review of the California Youth Authority’s Infrastructure,” May. http://www.lao.ca.gov/2004/cya/052504_cya.htm.
- [53] Warren, J. (2004). “Shut Down State Youth Prisons, Experts Say.” *Los Angeles Times*, September 22.
- [54] Cannon, A. (2004). “Special Report: Juvenile Injustice.” *US News and World Report* (August 3).

- [55] Warren, J. (2004). "Attack by Prison Dog Revealed." *Los Angeles Times* (May 7).
- [56] Bell, J. and J. Stauring (2004). "Serious Problems Festering in Juvenile Justice System Require Serious Reforms." *Los Angeles Times* (May 2).
- [57] Examples include the following: Warren, J, J. Leovy and N. Zamichow (2004). "A Daily Lesson in Violence and Despair." *Los Angeles Times* (Feb. 17); Warren, J. (2004). "Youth Prison System Unsafe, Unhealthy, Reports Find." *Los Angeles Times* (Feb. 3); Warren, J. (2004). "Disarray in Juvenile Prisons Jolts Capital," *Los Angeles Times* (Feb. 4).
- [58] Warren, "Disarray in Juvenile Prisons Jolts Capital."
- [59] Warren, J. (2004). "State Youth Prisons on Road to Rehab." *Los Angeles Times* (November 17).
- [60] de Sá, K. (2004). "Judge Orders Moratorium on Sending Juveniles to CYA Until Review." *San Jose Mercury News* (Feb. 12).
- [61] Bailey, D. and K. de Sá "Chief Vowing Major Change: Director Takes Big First Steps, But the Deepest Problems Await" *The San Jose Mercury News* (October 17). These and subsequent reports can be found on the web site for the Center on Juvenile and Criminal Justice (<http://cjcj.org/press/index.php>).
- [62] Warren, "State Youth Prisons on Road to Rehab."
- [63] Ibid.
- [64] Ibid.
- [65] Reiterman, T. (2005). "Auditors Rebuke Youth Authority." *Los Angeles Times*, January 4.
- [66] Warren, J. (2005). "For Young Offenders, a Softer Approach." *Los Angeles Times*, Feb. 1.
- [67] Ibid.
- [68] Bortner, M. A. and L. Williams (1997). *Youth in Prison*. New York: Rutledge.
- [69] Champion, D. (2001). *The American Dictionary of Criminal Justice* (2nd ed.). Los Angeles: Roxbury.
- [70] See Sheldon, R. G. (1999). "Detention Diversion Advocacy: an Evaluation." *OJJDP Juvenile Justice Bulletin* (September). Here I use several different measurements of recidivism.
- [71] Smith, T. (2002). "Juvenile Justice Agency Unable to Gauge Progress." *The Greenville News* (April 6).
<http://greenvilleonline.com/news/2002/04/06/2002040621705.htm>
- [72] Office of the Legislative Auditor, State of Minnesota (1995). "Residential Facilities for Juvenile Offenders." February 15. www.auditor.leg.state.mn.us/ped/1995/juv.htm.
- [73] State of Oregon, Oregon Youth Authority (2003). "Previously Incarcerated Juveniles in Oregon's Adult Corrections System." Salem: State of Oregon, Office of Economic Analysis, May 23. www.oea.das.state.or.us.
- [74] Concerning "age of onset" see Dryfoos, J. G. (1990). *Adolescents at Risk: Prevalence and Prevention*. New York: Oxford University Press for a good review.
- [75] An earlier study documenting this was Vinter et al., *Time Out*; see also the following: Beck, J.L. and Hoffman, P.B. (1976). "Time Served and Release Performance: A Research Note." *Journal of Research in Crime and Delinquency*. 13:127-132; Orsagh,

T. and Chen, J.R. (1988). "The Effect of Time Served on Recidivism: An Interdisciplinary Theory." *Journal of Quantitative Criminology* 4: 155-171; this was also documented in the Hawaii study (see note 75); an Australian study also found that the longer the period of confinement the higher the recidivism rate: Makkai, T. J. Ratcliffe, K. Veraar and L. Collins (2004). "ACT recidivist offenders." Canberra: Australian Institute of Criminology (http://www.aic.gov.au/publications/rpp/54/09_appendix1.html).

[76] Department of the Attorney General, State of Hawaii (2001). "Incarcerated Juveniles and Recidivism in Hawaii." Honolulu: State of Hawaii, February.

[77] Lynch, M., J. Buckman, and L. Krenske (2003). "Youth Justice: Criminal Trajectories." *Research and Issues Paper Series* 4 (July).

[78] Linster, R. (nd). "Frequency of Arrest of the Young, Chronic, Serious Offender Using Two Male cohorts Parole by the California Youth Authority, 1981-1982 and 1986-1987." Washington, DC: National Institute of Justice Data Resources Program. Cited in Byrnes et al. "Aftercare as Afterthought."

[79] Bailey, B. and G. Palmer (2004). "High Rearrest Rate: Three-Fourths of Wards Released Over 13 Years Held on New Charges." San Jose Mercury News, October 17. The complete series of reports can be seen on the web site for the Center on Juvenile and Criminal Justice (www.cjcj.org).

[80] Byrnes et al., "Aftercare as Afterthought."

[81] An interesting concept is what some researchers have called the *Post-Incarceration Syndrome* which has been defined as "set of symptoms that are present in many currently incarcerated and recently released prisoners caused by prolonged incarceration in environments of punishment with few opportunities for education, job training, or rehabilitation. The severity of symptoms is related to the level of coping skills prior to incarceration, the length of incarceration, the restrictiveness of the incarceration environment, the number and severity of institutional episodes of abuse, the number and duration of episodes of solitary confinement, and the degree of involvement in educational, vocational, and rehabilitation programs." *Addiction Exchange*, "News from the worlds of research and clinical practice." Volume 3, No. 4: *Post Incarceration Syndrome*, March 1, 2001. Terence T. Gorski: www.cenaps.com. Go to <http://www.mid-attc.org/wwwboard/wwwboard.shtml> to discuss this topic on the Addiction Exchange Forum.

[82] Mears, D. P. and J. Travis (2004). "Youth Development and Reentry." *Youth Violence and Juvenile Justice* 2: 3-20. Several other studies are found within this issue of the journal. See also: Byrnes, M., D. Macallair, and A. D. Shorter (2002). "Aftercare as Afterthought: Reentry and the California Youth Authority." San Francisco: Center on Juvenile and Criminal Justice.

[83] This quote is found in the following reference book: Seldes, G. (1985). *The Great Thoughts*. New York: Ballantine Books, p. 404.