

CHAPTER 14

FACILITY SIZE, EDUCATION, AND OTHER PERFORMANCE MEASURES

14.1 Introduction

Several reform movements have shaped the history of American juvenile justice. The first major reform occurred during the nineteenth century and involved the removal of juveniles from institutional confinement with adults and established separate institutions for juveniles.

The next reform occurred at the turn of the twentieth century with the creation of the juvenile court. The vision underlying the juvenile court was that of a surrogate for the troubled children's parents or guardians. The court was to handle various childhood-related problems that often extended beyond mere lawbreaking. Consequently, four categories of troubled youths were established and subsumed under the jurisdiction of the juvenile court, including delinquent, status offenders, neglected children, and dependent children.

The juvenile court reform movement led to the development of a series of procedures and services that were conceived as analogous to medical diagnosis and treatment. The stated intention of the juvenile courts was to provide individual diagnosis and treatment of each troubled child, thereby ensuring ultimate rehabilitation and full societal participation by these children. This vision of the juvenile court was unquestioned until the 1960s when another major juvenile justice reform movement began. The 1960s reform was centered upon the development of prevention and treatment alternatives to institutions and the juvenile court altogether. The reasoning was that the juvenile court and custodial institutions would do more harm than good by labeling and stigmatizing troubled children as delinquent, thereby contributing to subsequent delinquent behavior patterns. The resulting reforms of diversion and deinstitutionalization were aimed at keeping children out of the formal juvenile justice system and, thereby, avoiding delinquent labels, stigmas, and subsequent delinquent behavior.

Beginning in the 1980s, still another major juvenile justice reform began, which continues to shape juvenile justice policies and practices today. This reform movement has been called the "get tough" approach and has resulted in increasing numbers of juveniles being treated as adults. Specifically, juvenile offenders are increasingly being subject to adjudication in adult courts rather than juvenile courts and confined in adult or adult-like institutions. Florida, in 2000, for example, following the recent vacating of the *Bobby M.* consent decree, which required Florida to reduce its juvenile justice institutional populations, embarked upon the development of larger and more secure custody institutions with populations of 150 or more. These facilities closely resemble adult prisons. This increased facility size and custodial character shift presents a number of important policy questions related to juvenile justice

education and other treatment outcomes. Specifically, if Florida is to continue to develop and operate larger juvenile justice facilities, will the education provided to youth in those facilities suffer? It is interesting to note, in this regard, that since the 1940s and up to the 1990s, the number of public schools drastically dropped by nearly 70% despite the growing numbers of students. This drop resulted in average school enrollment increasing fivefold. Yet, what the evidence shows is that smaller schools do indeed work better than larger schools (The Annie E. Casey Foundation Report, 2000). The question is how will juvenile justice education fare as Florida continues to move away from smaller facilities and move toward larger and more custody oriented facilities?

In examining the literature addressing juvenile justice facility size and educational outcomes, the reported results are fragmented and overly general. As a result, the specific effects of facility size are generally unclear, which gives little guidance to decision-makers. This chapter seeks to identify key issues and available data that relate to facility size and the impact that facility size has upon education and various other outcomes. The chapter is composed of four subsequent sections. Section 14.2 identifies and delineates the various dimensions of facility size and discusses pertinent concerns regarding each of the identified dimensions. Section 14.3 reviews litigation related to juvenile justice facility size. Section 14.4 discusses alternatives to the use of large correctional facilities. Section 14.5 summarizes the chapter and concludes with identification of future research in this important policy area.

14.2 Dimensions of Facility Size

There are different dimensions to the concept “facility size.” One dimension is the number of youth in a facility. Another dimension is the total square footage and the physical design of a facility, and a third is a ratio of these two dimensions, that is, a ratio of number of youth to square feet. Each dimension raises different concerns for the administration of juvenile justice facilities, and each will be discussed separately in the following sections.

Physical Design

Once it has been determined that constructing a new facility is necessary, many considerations guide the building process. To determine the best possible approach for the physical design of facilities, jurisdictions should consider the following: diverse methods for managing juvenile behavior, resident and staff responses to the physical environment, daily program structure, staffing patterns and costs, circulation and space-sharing patterns in a facility, and responses to emergencies and other situations (Roush & McMillen, 2000). The amount of space required for various facilities depends on several factors, including state licensing and building codes, professional standards of practice, and other operational factors, such as the scope of activities (Roush & McMillen, 2000). The American Correctional Association (ACA), for example, publishes guidelines that provide information for architects, planners, and administrators in the design and construction of facilities which are architecturally sound and meet safety and security requirements. Because building codes and standards typically prescribe minimum space requirements, operational factors should be

given high priority, a point that will be addressed later in the chapter. It is not uncommon for the total square footage required by a residential facility to be up to 50% greater than the net area required for actual user activity (Roush & McMillen, 2000).

A fundamental perception underlying juvenile justice is recognition that juveniles are different from adults. This difference has been addressed in the program offering and physical design of juvenile institutions. One of the key distinctions between juvenile and adult facilities is the size of housing units, with larger units common in adult jails and prisons and smaller units utilized in juvenile facilities (Witke, 1999). Housing units with capacities of 25 to 40 are common in adult facilities, whereas, juvenile facilities commonly employ housing units of 12 to 16 residents. Juvenile programs try to avoid larger resident groups because larger groups of juveniles are more difficult to manage, and it is more difficult to move larger groups for various program activities. Smaller group size in juvenile facilities is important for classification reasons, and it enhances the staff's ability to get to know the youths living in their areas and work effectively with them. Smaller housing units also minimize the institutionalized feeling of large dormitories.

Another key distinction between juvenile and adult facilities is that juvenile facilities ostensibly provide a normative or non-institution like environment. That is, the environment should be as normal as possible in appearance, rather than institutional, to encourage positive behavioral responses from juveniles (Witke, 1999). Until recently, juvenile justice institution designers saw their chief role as producing environments that encourage better behavior and facilitate rehabilitation (Russell, 1998; Niedringhaus & Goedert, 1998). A normative environment can be achieved by using familiar or "soft" materials, such as tile flooring, carpeting, and gypsum board walls (Niedringhaus & Goedert, 1998). Natural lighting and regular physical and visual access to outdoor spaces reduce impressions of confinement. A variety of colors, texture and acoustical controls can be used to create the perception of a calm and controlled environment. Recently, there has been a philosophical shift in the planning and design of juvenile facilities that has followed the general trend toward tougher penalties for juvenile offenders (Niedringhaus & Goedert, 1998). New juvenile correctional facilities are larger and better equipped with security hardware and technology (Roush & McMillen, 2000). More durable materials that resist abuse and destruction, zoned areas within the building to control resident access and maintain appropriate group size and separation, and walls of damage-resistant glazing in partitions separating residential areas to ensure continuous visual contact between residents and staff have become more prevalent. These features are similar to ones already common in adult facilities (Roush & McMillen, 2000).

Research has shown that for children and youth, the largeness of an institutional environment often leads to confusion and anxiety and that a hard design or a stark and drab interior to a facility often produces discouragement (Foster, VanderVen, Kroner, Carbonara, & Cohen, 1981). The spaces that people work and live in deeply affect their attitudes, comfort levels, and feelings about their circumstances, which, in turn, influence people's approaches to getting through each day (Roush & McMillen, 2000). Stated another way, behavior is the result of the interaction between an individual and the environment. Research has shown that impersonal settings can often create a threatening environment, and the more impersonal the

setting, the less comfortable and “safe” one feels. A person in a threatening or inhospitable environment may try to seek relief through isolation, leaving the situation, or trying to exert control over the situation to change things. In a secure juvenile facility, leaving the situation at will is not possible, although plots to do so are a source of concern, while the other two options are not desirable. Isolation or withdrawal weakens social bonds, making youth more difficult to reach and less receptive to informal and formal social controls. Youth who try to exert control over the situation through aggressive, confrontational, or manipulative behavior present a danger to themselves and others and are more difficult to manage.

Another concern regarding institutional settings is the transmittal of “institutional values.” Critics of institutional environments argue that an institutional environment creates an artificial situation where offenders are told what to do and how and when to do it. This does not enable offenders to learn the skills necessary to make good decisions and relate to others, which is required of them upon leaving the institution. As a way of coping with institutional life and the loss of liberty, “prisonization” often occurs, in which inmates learn skills, such as dealing, jiving, and conniving, which may be helpful inside the institution but are not valued by mainstream society if practiced upon their release (Lerner, 1990).

Site selection is another complex decision jurisdictions face when developing juvenile facilities. Many communities resist having a facility located near their homes for fear that the neighborhood will be unsafe and that property values will decline. As a result, planners may have to select remote sites that are incompatible with operational needs. Ideally, location selection should satisfy a range of operational needs, including the following: public access, adequate land area, proximity to the population served, proximity to courts, and compatibility of adjacent land uses (Roush & McMillen, 2000). Each of these needs will be discussed briefly. Public access means that the site provides convenient access to families, legal counsel, and local agencies that will have contact with residents. The site should also be easily accessible by private vehicle or public transportation. The site should have adequate space for initial construction needs as well as possible future expansion. Facilities should be in close proximity to the districts from which their populations are drawn. Such proximity helps ensure convenient access by families and helps facilities recruit staff with cultural/ethnic backgrounds similar to those of the youth being confined. Locating facilities near courts minimizes the time that staff and residents need to spend away from the facility and reduces staffing needs and transportation costs. Site selection should be such that the location supports the residential character of intended operations. For example, heavily industrialized areas, areas with heavy traffic volumes that would threaten effective monitoring of a site’s perimeter, and excessive noise areas should be avoided.

Finding a site that satisfies all concerns is difficult at best. To further complicate matters, site selection and land acquisition are often highly politicized processes that may require compromise. As a result, some institutions may be built in remote areas because of the economic incentive of lower property costs. Being located in remote areas is particularly germane to large institutions, which typically require more space than is available in most communities. Facilities in these remote areas typically end up being staffed by underpaid and undertrained individuals who are culturally and ethnically different than the population they serve (Roush & McMillen, 2000). Additionally, transition back into the community is

difficult when the facility is not located in the community from which the youth came. Successful reentry into the community plays a key role in reducing recidivism.

Florida's Sago Palm Academy, formerly called Pahokee Youth Development Center, is an example of poor site selection. Sago Palm Academy is a 350 bed facility located in Palm Beach County on Lake Okeechobee. Qualified and well-trained youth care workers and teachers are difficult to recruit and retain due, in part, to the facility's remote, rural, isolated location. The facility has failed its education quality assurance (QA) review the last four years and has been cited in numerous news reports concerning abuse allegations, inmate fighting, a negative subculture, lack of education services, lack of treatment services, high staff turn-over, excessive use of restraints and force, and poor record keeping from facility administration. Among other problems, its location apparently does not meet its operational needs.

In sum, many decisions must be made when planning and building a juvenile justice facility. In the past, decision makers operated under the belief that juveniles are different from adults, but the current thinking calls for harsher treatment of juveniles in a manner similar to that of adults. This has been reflected in the design and program offering of juvenile justice institutions and is emerging as a prototype in Florida despite numerous policy issues and unresolved performance questions.

Density

When examining the issue of density, a related concern is that of crowding. While density is a physical condition, crowding is a subjective feeling that people may experience when density reaches a certain level. Both will be discussed in this section.

Density is a ratio of people to space, and there are two types of density that affect juvenile institutions – social density and spatial density. *Spatial density* is a comparison of the same number of people in different size spaces and *social density* is a comparison of different numbers of people in the same size space (Loo, 1972). Spatial density issues occur as groups of people move from one area of the facility to a different size area throughout the day. Because the institution as a whole is a finite space, and the population of the facility changes over time, social density is a more salient issue, particularly as it relates to crowding.

There is general agreement that crowding in various settings and among different populations, including animals, produces negative effects. Research and experience typically show that most people do not like crowds and crowded conditions. Crowding is an especially acute problem when experienced by confined populations who do not have the opportunity to remove themselves from the situation. Both quantitative and qualitative evidence indicates that crowding in juvenile facilities is a problem and that crowding contributes to unhealthy and unsafe conditions for both the youth and the staff. High density and crowding have been studied in relation to a number of factors. Some of that research is reviewed below.

In crowded conditions, youth respond both physically and emotionally/socially. Nacci, Teitelbaum, and Prather (1977) examined data collected between July 1973 and June 1976 from 37 institutions in the federal prison system, which included juvenile/youth institutions. The researchers found that as density increases, violence increases. Specifically, as density in facilities increases, total assaults (inmate-inmate and inmate-staff) increase, and assaults on inmates increase. In the most extensive juvenile-specific research on conditions of confinement, Parent, Leiter, Kennedy, Livens, Wentworth, and Wilcox (1994) studied all 984 public and private juvenile detention centers, reception centers, training schools, and ranches, camps, and farms in the United States. As it relates to crowding, they found that as crowding increases, rates of juvenile-on-staff injuries, rates of suicidal behavior, and rates of injury increase.

Other research has examined the emotional/social effects of crowding. In a comprehensive review of research which has been directly concerned with the effects of high density conditions on the social behavior of children and adolescents, Aiello, Thompson, and Baum (1984) report that under high density conditions, children “decrease their involvement with others by avoiding and withdrawing from them or under other conditions exhibit more verbal and physical aggression and higher levels of competition, decrease locomotion and gross motor activity, and generally display more fearful behavior, and experience more stress-related arousal” (Aiello, Thompson & Baum, 1984, p.108). Additionally, the researchers found that under crowded conditions, youth avoid eye contact with others and engage in more solitary behavior. In a study of 115 male juveniles, ranging in age from 14 to 18, in a large correctional institution, researchers found that as density increases, residents’ perceptions of order, organization, and staff support decreases (Ray, Huntington, Ellisor, & Prythulla, 1978; Ray & Wandersman, 1981; Ray, Wandersman, Ellisor & Huntington, 1982). Additionally, in higher density situations, juveniles are perceived by teachers to be less involved with their peers and less cooperative in the classroom (Ray, Wandersman et al., 1982). Moreover, the same juveniles receive lower school grades under high-density conditions (Ray, Wandersman et al., 1982). In an article outlining trends in juvenile detention, the researchers charge crowded conditions for the severe curtailment of education services in some facilities and the limitation of those services in other facilities (Wordes & Jones, 1998). Burrell (1998) details the conditions in one crowded detention center and portrays education as “a privilege.” She states that there is space in the school for about half of the students and that youth only receive three hours of academic work daily.

Nearly half of the youth confined in juvenile detention centers, reception centers, training schools, and ranches are detained in overcrowded facilities (Parent et al., 1994). As discussed above, crowding has negative consequences both emotionally and physically. Furthermore, crowding often obfuscates the purpose of the juvenile justice system. That is, crowding subverts the ability of juvenile justice facilities to provide for the care and treatment of juveniles in accordance with their individual needs because programming and services cannot adequately be provided. When crowding increases, incarceration becomes warehousing, the ability to classify juveniles diminishes, (Toch, 1985) and security is given priority over programming. In particular, educational services, including vocational and life-skills training, are often truncated, thereby diminishing the capacity of youths to gain the skills necessary for successful re-entry into the community.

Number of Youths

The third dimension of facility size involves the sheer number of youths within a facility. This is a salient issue since the trend in Florida seems to be toward larger juvenile institutions. The average size of facilities in Florida is 35 beds, but newer facilities are in excess of 100 beds. Since 1996, the population of four facilities exceeded 100 beds and two new facilities are being built with over 200 beds each. This follows the “get tough” trend in the treatment of juveniles, and it is imperative to examine the effects this trend may have. This section reviews relevant literature in the fields of juvenile justice and education.

Facility Size and Outcomes: Juvenile Justice Literature—Generally, it has been acknowledged that larger juvenile institutions are problematic, at best, and detrimental or destructive at worst. Some of the criticisms leveled against traditional training schools are that they offer sterile and unimaginative programs, are inappropriate places to run rehabilitative programs, and foster abuse and mistreatment of their charges (Bartollas, Miller, & Dinitz, 1976; Feld, 1977). In the early 1970s there was widespread call for prison reform, and as a result, researchers tried to determine the extant state of knowledge about the successes and failures in rehabilitating offenders with various treatments in various institutional and non-institutional settings. One of the most notable assessments of rehabilitation is the frequently quoted summary statement of Robert Martinson who said, “with few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism” (Martinson, 1974, p. 25). This has been taken to mean, “nothing works” when it comes to rehabilitation. Critics have argued that the negative reviews of rehabilitation that dominated the 1970s “...overlooked many positive instances of success in their haste to generalize and gave little attention to the issues of fit between the type of juvenile and the type of treatment” (Lipsey, 1991, p. 85). In a recent meta-analysis of 443 studies, Lipsey (1991) found that particular types of treatments, primarily those employing behavioral, skill-oriented, and multi-modal methods, are more effective when run in community rather than institutional settings. Additionally, the institutions that dominated during the evaluations of the mid-1970s were large institutions.

In most states, the largest number of incarcerated youths are sent to “training schools” – large correctional units typically housing 100 to 500 youth (Mendel, 2000). Mendel asserts “large training schools have never proved effective in rehabilitation of youthful offenders or steering them from crime. Recidivism from large training schools is uniformly high” (Mendel, 2000, p. 51). Altschuler contends that “it is exceedingly difficult to successfully punish, deter, and treat incarcerated juvenile offenders in large, locked, secure training schools that are operating over capacity; yet this is the norm in juvenile corrections nationwide” (Altschuler, 1999, p. 259). Feld writes, “a century of experience with training schools and youth prisons demonstrates that they are the one extensively evaluated and clearly ineffective method to ‘treat’ delinquents” (Feld, 1999, p. 279). In a Los Angeles Times story covering abuses in the California Youth Authority, Robert Presley, then head of the super-agency that oversees the Youth Authority, suggested that changes, such as building smaller institutions and improving educational opportunities, might better rehabilitate wards (Gladstone & Rainey, 1999). Later in the piece, it was noted again that small institutions are more effective than large ones.

In a study of youth released from two training schools in Minnesota in 1991, it was found that 91% were arrested within five years of release (Mendel, 2000). A study of 947 youth released from Maryland correctional facilities in 1994 found that 82% were referred to juvenile or criminal courts within two and one-half years after release (Maryland Department of Juvenile Justice Recidivism Analysis, 1997). In Washington State, 59% of incarcerated youth re-offended within one year and 68% within two years (Feld, 1999). Mendel sums it up this way, “in fact, *virtually every study examining recidivism among youth sentenced to juvenile training schools in the past three decades has found that at least 50 to 70% of offenders are arrested within one to two years after release. Clearly, training schools are not derailing the criminal careers of youthful offenders*” (Mendel, 2000, p. 51, emphasis in original).

In a comprehensive assessment of conditions of confinement for juveniles commissioned by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), it was found that in relation to living space, healthcare, security, controlling suicidal behavior, and limits on staff discretion, smaller facilities were more likely to conform than larger ones (Parent et al., 1994). A review of several empirical studies of alternative schools found that small school size was one of the characteristics commonly associated with program success (Young, 1990). Others have asserted that intensive treatment services and special programming provided in a small community-based facility offer the best hope for the successful treatment of juveniles who require incarceration (Palmer, 1971; Howell, 1995).

Overall, professional statements and the criminal justice literature indicate that smaller facilities are “better” than larger facilities as the context for implementing various treatments and in the reduction of recidivism. Education, however, is not addressed specifically in relation to facility size in the juvenile justice literature. Consequently, the following review of the education literature addresses this shortcoming.

Size of School and Outcomes: Education Literature—While there is a paucity of empirical analyses on the impact of juvenile justice facility size on outcome measures, there is a larger body of literature that focuses on the effects of school size on various educational and other outcomes. Researchers have examined the effects of school characteristics, including size, on achievement test scores, participation in school activities, student satisfaction, student indiscipline, and other outcomes.

One of the earliest studies on school characteristics and achievement found a negative relationship between school size and measures of performance using a sample of 775 public high schools in the United States (Kiesling, 1968). That is, larger high schools had lower achievement test scores even when socioeconomic differences in the schools and pupil intelligence were controlled. In a study of 110 elementary schools in Washington, DC with enrollments between 139 and 1710, Michelson (1972) found that an increase in school size was detrimental to reading test scores, but the findings were statistically insignificant. The author found, however, that median income of school attendance area and percentage of pupils participating in the free lunch program were greater determinants of reading achievement. Wendling and Cohen (1981) examined 1021 elementary schools in New York state and found smaller schools had higher third-grade reading and math achievement,

controlling for median years of schooling of the population in the school district and percentage of the population in the school district below the poverty line, though the findings were not significant. In a study of 287 elementary schools ranging in size from below 200 to over 800 students, Eberts, Kehoe, and Stone (1984) found that differences in resources and in the effect of resources on student achievement in large schools are associated with lower math test scores, controlling for student, teacher, principal and school-climate characteristics.

Using a sample of 150 public schools in Philadelphia, Pennsylvania, Summers and Wolfe (1976) found that increased learning at elementary and senior levels seems to occur in smaller schools and that black elementary students and low achievers in senior high schools seem to benefit more from smaller schools. Lindsay (1982) examined a representative sample of seniors enrolled in public and private high schools in the United States in spring 1972 and found a negative effect of school size on extracurricular participation, student satisfaction, and attendance, even when controlling for socioeconomic status and student ability. In a study of 744 high schools, Pittman and Haughwout (1987) found that larger schools produce a poor school climate that encourages dropouts. Using a sample of 293 public secondary schools, Fowler and Walberg (1991) found that as school size increases, student participation, satisfaction, and attendance decrease and that the school climate and a student's ability to identify with school and its activities are adversely affected. The authors controlled for various school characteristics, such as percentage of students from low-income families and district socioeconomic status, as well as teacher characteristics, including years of experience and salaries. A 1992 study of 558 public high schools found that, after controlling for school location, average school achievement, and other relevant variables, principals and students in larger schools perceived greater truancy and disorder, while students had actually reported greater truancy and disorder (Haller, 1992). Hech and Mayor (1993) examined all elementary, intermediate, and high schools in one state in the western USA ($n = 235$) and found that as school size increases, reading and math achievement scores and average daily attendance decrease, after controlling for other relevant factors. A 1998 study by Bradley covered all secondary schools in England during the period 1992-1996. He found a curvilinear relationship between school size and exam performance, meaning that exam performance rises as school size increases, but at a decreasing rate, and at some point, the relationship is reversed. This implies that perhaps there is a particular school size at which exam performance is maximized. Bradley suggests that educational performance may increase in larger schools because of the benefits arising from increased specialization, but there may come a point where schools become "too big." In larger schools, interaction between pupils and teachers is less likely to occur outside the classroom, schools may become more difficult to manage, giving rise to disciplinary problems, and teacher morale and motivation may suffer, which may adversely affect student performance.

In short, studies conducted in the last thirty years have found school size to have an independent negative effect on exam performance measures and student participation, satisfaction, discipline, and attendance. That is, as school size increases, exam scores decrease, and other outcomes are adversely affected as well. It seems reasonable that these findings are applicable to juvenile justice populations, who are arguably a special class of students. Children with disabilities, especially learning disabilities, are over-represented in

the juvenile correctional population (Leone, Rutherford, & Nelson, 1991). “High-risk” populations, such as these, are especially vulnerable to the impact of institution size.

14.3 Litigation

Given the putative problems associated with large facilities, another relevant area to consider is litigation. The use of litigation has become an effective way to correct problems within correctional institutions. Because youth in these institutions lack the political, social and economic means to enact change on their own behalf, it often becomes necessary to file suit against institutions in order for the administration to correct illegal, dangerous, or improper policies/actions. When Congress passed the Civil Rights of Institutionalized Person’s Act (CRIPA) in 1980, it went on record stating that litigation is “the single most effective method for redressing systemic deprivations of institutionalized persons’ constitutional and federal statutory rights” (S. Rep. No 416 at 27, 1980). If large facilities exhibit more problems than smaller facilities, it is reasonable to expect larger facilities to be implicated more frequently in litigation.

Florida

In Florida, litigation has profoundly shaped the juvenile justice system. As previously cited in this chapter, the *Bobby M.* case, in particular, had, until recently, a tremendous impact on the way the juvenile justice system operates vis à vis the institutionalization of youth. In the case of *Bobby M.*, three large institutions – Dozier, McPherson, and Eckerd Youth Development Center – experienced many problems: staff shortages, abuse (physical, sexual and emotional), long periods in lockdown, sanitation problems, inadequate control of infectious diseases, frequent suicide attempts, and lack of educational programs (Siegel, 1991). As a result of the court’s findings, two of the institutions were closed, and there were several legal reforms enacted not only to improve the existing conditions but also to prevent similar problems from occurring in the future. The Juvenile Justice Reform Act of 1990 was one of the outcomes of *Bobby M.* One basic premise of the Act was to create several small facilities in place of building large facilities. These smaller facilities would be better equipped to provide individualized services to incarcerated youth.

The *Bobby M.* case found that the location of large facilities could be problematic. Having a 200 or 300 bed facility requires a large amount of space, more space than can be provided in most cities, and, therefore, such facilities need to be built outside of cities. Additionally, a facility that has 200 or 300 beds needs a large staff consisting of correctional officers, administrative staff, environmental services, dietary workers, laundry services, teachers, social workers, etc. While employing a large staff is difficult, it becomes more of a challenge when the facility is removed from the community and placed in an isolated location. Generally, public transportation is not available to such locations, and many people, including those with their own transportation, do not like the longer commute to work. Based on these factors, it is reasonable to assume that the available work pool is diminished. In her analysis of the *Bobby M.* decision, Siegel writes that, “because the

schools were distant from cities, an on-campus visit by an attorney was rare” (Siegel, 1991, p. 703). The lack of individuals, specifically lawyers, willing to travel the distance to these facilities resulted in many – hundreds, in fact – of juveniles going without their grievances being heard and without their right to counsel.

National Trends

In his address at the National Juvenile Corrections and Detention Forum, Steven Rosenbaum, Chief of the Special Litigation in the Civil Rights Division for the Department of Justice (DOJ), clearly stated that there are trends within the allegations involving juvenile facilities: “Major issues we see repeated in troubled institutions have to do with crowding, special needs populations (especially juveniles who are very young, mentally ill or mentally retarded), the increased use of adult correctional practices in juvenile facilities, and education” (In Department of Justice (DOJ), 2000, [http](#)).

In a review of numerous court cases, Dale (1998) found that many facilities are experiencing problems similar to those found in the facilities involved in the *Bobby M.* case. Some of these characteristics are large facilities (housing more than 100 juveniles), most have problems of overcrowding, and many have a long history of staff shortages, abuse, and violations of constitutional rights, especially in regard to education. Many of these problems are a result of the combination of large facility size and the remote location of the facility. Many correctional employees attribute illegitimate practices, such as hogtying, to the insufficient number of correctional personnel to deal with problems in behavior. As a result, the staff often find it “necessary” to use illegal and inhumane practices to control children exhibiting behavior problems. In facilities where there is overcrowding, the possibility of segregating youth as a form of punishment is not a viable option – there simply is no space to accommodate them – and many argue that it is nearly impossible for correctional officers to control youth without violence.

As previously stated, overcrowding is a common problem within juvenile facilities. As seen in the *Bobby M.* case, facilities are often operating well above their designed capacity. In 1995, after a CRIPA investigation was conducted, a letter was sent to Kentucky’s Governor Brereton Jones stating: “Inadequate staffing patterns negatively impact the facility by overburdening the direct care staff on duty and increasing the likelihood of physical harm to residents while decreasing the effectiveness of treatment” (In DOJ, 1995, [http](#)). In the class action lawsuit *E.R. v. McDonnell* (1995), the facility was so overpopulated that it “prevented the staff from classifying children according to their offenses, propensity for violence, emotional problems, size, age, or other characteristics demanding special housing” (Dale, 1998, p.696). There were between 150 and 200 children housed in a facility with only 64 rooms.

However, problems concerning juvenile justice facilities are not limited to overcrowding. For example, numerous cases initiated by CRIPA, including *United States v. Louisiana* (2000), had similar characteristics: issues of overcrowding; large facility size; failure to provide adequate medical and mental health care; failure to provide safe conditions for juveniles; inadequate rehabilitation services; depriving juveniles of their constitutional rights;

failure to provide educational services to all juveniles; failure to comply with the Individuals with Disabilities Act (IDEA) (1975); failure to comply with the Rehabilitation Act of 1973; and failure to comply with Americans with Disabilities Act (ADA) (1990).

In CRIPA's investigation into Louisiana's juvenile detention facilities, investigators "uncovered systemic life-threatening staff abuse and juvenile-on-juvenile violence." In a letter to the Governor, the investigators noted that the administrative persons in these facilities "either knew or intentionally sought not to know of the serious violence to children that was occurring" (In DOJ, 1997, [http](#)). In their letter, they also cited instances of "officers negotiating 'contracts' with juveniles to beat up other juveniles" (In DOJ, 1997, [http](#)). There were also concerns that little attention and intervention was given to sex between correctional officers and juveniles and between the juveniles themselves. At Bridge City, one of Louisiana's detention facilities, during the first five months of operation there was concern over the number of serious injuries to juveniles. The facility housed 178 youth and within 5 months, there were 40 incidents of orthopedic injuries and/or serious lacerations which required an emergency room visit. At Monroe and Tallulah, other Louisiana detention centers, the investigators found that there was misuse and overuse of chemical and mechanical restraints. At Tallulah, there was no psychiatrist to monitor the effects of psychotropic medications that juveniles were taking, and hog-tying was used as a suicide precaution for a depressed young girl.

Concerning education in the Louisiana facilities, the CRIPA investigators wrote in their letter to the Governor that "education decisions appear to be driven solely by security and fiscal concerns" (In DOJ, 1997, [http](#)). Students were not allowed to be given homework because pencils and pens were considered weapons. The facilities used dated materials, often textbooks discarded from public schools, to save money. The investigators also found that teachers were being paid less than their public school counterparts, resulting in high turnover rates, which, in turn, affected the continuity of education. In Tallulah, there was high overcrowding, which meant that students could only attend school for three hours a day.

Education was also found to be deficient at other facilities. In Georgia, there were not enough teachers. The CRIPA investigators found that each facility had one special education teacher and one regular teacher to serve between 50 to 100 juveniles ranging in age from 9 to 16 years old. The investigation also discovered that one-half of the students were behind six or more grade levels in reading and one-third of the students were behind six or more grade levels in math. At Irwin YDC, there was one special education teacher for 300 youth, and at Bill E. Ireland YDC, there were three special education teachers for 500 youth (In DOJ, 1998, [http](#)).

While the above cases provide only a cursory review, certain trends appear in the allegations involving juvenile facilities. Specifically, all of the facilities involved in the cases reviewed here are considered large facilities, and education is one of several areas of deficiency.

14.4 Alternatives

The nation has entered a time that reiterates the need for reform and the re-examination of the design and use of juvenile facilities. One of the most notable examples of juvenile justice reform is the “Massachusetts Experiment”. In the early 1970s, Jerome Miller, then Commissioner of the newly created Department of Youth Services (DYS), shut down all of Massachusetts’ training schools and placed 85% of youth committed to state corrections into small, community-based correctional units. Youth who did require secure care were placed in a number of small – typically 20 to 30 bed – facilities. Miller noted that lowering the daily population of their largest locked detention facility from 250 to 25 was at no increased risk to the community (Miller, 1991). It has been suggested that “at a time when the nation is again favoring institutions as the punishment of choice for young offenders, it is important to revisit the Massachusetts experience – especially its documented success” (Loughran, 1997, p.170).

In an evaluation of the Massachusetts reforms, Coates, Miller, and Ohlin (1978) found that youths who had participated in newly established community-based programs had higher recidivism rates than youths who had left the training schools in 1969 before the reforms; however, this was partially explained by a national pattern of rising crime rates in 1972 to 1973, the years from which the sample of youths in alternative programs was drawn (Miller, 1991). However, post-reform recidivism rates appeared to be lower in those parts of the state where the new models were most successfully implemented using a diversity of programs (Coates, Miller, & Ohlin, 1978).

The National Council on Crime and Delinquency was engaged by the Edna McConnell Clark Foundation in New York to conduct a recidivism study in order to determine the endurance of the reforms and the efficacy of the matured system in Massachusetts. The study compared youths released from DHS between 1984 and 1985 with similar youths from California, Florida, Pennsylvania, Utah, and Wisconsin. The study found that 15 years after closing the institutions, the Massachusetts system relied less on secure confinement than any of the comparison states (Krisberg, Austin, & Steele, 1991). The study also discovered that Massachusetts had the lowest recidivism rate of all the states in the study and the essentially community-based system supported by a small number of secure treatment programs was more cost effective than those states that operated large training schools.

Other states also have closed training schools and implemented community-based programs. In 1975, after the tragic death of a 16-year old in the Pennsylvania State Correctional Institution at Camp Hill and the ensuing media coverage, members of the Pennsylvania state legislature decided to examine their juvenile justice system anew (Lerner, 1990). With the help of Jerome Miller, 400 youth subsequently were released from Camp Hill and transferred into community-based programs. Since then, community-based programs have proliferated. From 1977 to 1986, the number of youth placed in public facilities dropped from 1,846 to 644, while the number of community-based placements rose from 820 to 1,490. The small size of the community-based programs allows staff to maintain control and minimize the likelihood that a violent gang subculture will develop. When youth feel safe, they are able to shed their defensive posture and focus on treatment.

Following Massachusetts' lead, Missouri closed the last of its training schools in 1983 and established 30 regional corrections centers, including unlocked residences and a variety of non-residential programs and services. Only 8% of the youth sentenced to corrections in 1991 were repeat commitments and only 15% of youthful offenders released in the 1980s acquired adult criminal records (Gorsuch, Steward, Van Fleet, & Schwartz, 1992).

In the late 1980s, Maryland closed one of its training schools (Montrose) and significantly reduced the population of another as a result of a series of studies highlighting deficiencies in the training schools and two suicides that caused media uproar (Lerner, 1990). Youth were moved from institutions to community-based residential programs. As a result, the average daily population in Maryland's training schools declined from 728 in 1985 to 206 in 1990. Of the 117 Montrose residents returned home with services or placed in community-based programs, 30% were rearrested. This compares favorably to the 85% recidivism rate of youth who had been committed to Montrose.

Fifteen years after a class action lawsuit over abuses in its juvenile institutions, Utah has transformed its juvenile justice system into a national model on the leading edge of reform (Lerner, 1990). The state adopted a community-based system that would cost the state less money and would treat young people who break the law differently from adult offenders. Stromberg, former director of the Division of Youth Corrections (DYC), believes that the only real hope for rehabilitating youth is to cycle them through a community-based system. He thinks that in high-security institutions, the institution lives the lives of young people for them and that they are not able to learn accountability or responsibility. He further states that changing a young person's life requires placing the youth in the community with supervision and structure and teaching that person how to be responsible. Community-based programs allow youth to be closer to their families, making it possible for them to be more involved in the treatment process. Furthermore, location in the youth's community of origin facilitates gradual transition back into the community. In Utah the number of youth in high-security facilities dropped from 350 in 1976 to 144 in 1988. A 1988 DYC study revealed that 43% of youth terminated from custody in fiscal year (FY) 1987 remained free of criminal conviction during their DYC custody, while 75% of these were free of conviction for a year following their release. For those youths who did reoffend, there was a significant reduction in the overall volume and seriousness of their criminal activity.

As previously mentioned, a class action lawsuit resulted in the closing of two of Florida's training schools and the Juvenile Justice Reform Act of 1990 provided for small facilities in place of large ones. Some of Florida's community-based programs have been recognized as among the most innovative in the country (Lerner, 1990). In particular, programs operated by the Associated Marine Institutes, Inc. (AMI) has been remarkably successful in rehabilitating youths. Between 1969 and 1987, approximately 12,500 youths completed AMI programs. Of these, 80% have remained crime-free since they left the programs. Bob Weaver, executive vice-president at AMI attributes some of AMI's success to the program's focus on teaching young people how to live outside the institutional environment. He states, that "in small, community-based programs there is a better chance of equipping young people who have committed crimes with the skills they need to survive without breaking the law" (Lerner, 1990, p.118).

In sum, community-based programs seem to fare better than training schools when comparing recidivism rates. Research has shown that training schools can be closed safely and that community-based programs can create an environment more conducive to rehabilitation than that which exists in training schools. Proponents of community-based programs believe that these small programs provide more training in useful skills and that outreach workers can help youths secure jobs or appropriate schooling upon their release.

14.5 Summary

The “get tough” era that the nation appears to have embraced for adults now extends to youthful offenders. One of the results has been the move toward larger, more prison-like facilities for juveniles. Florida is no exception to this trend as newer facilities are in excess of 100 beds and are designed with security as a top priority. The research reviewed in this chapter highlights the negative consequences of larger facilities on education and other outcomes in schools and juvenile justice facilities. Specifically, larger schools have a negative impact on exam performance measures and student participation, satisfaction, discipline, and attendance. Larger juvenile justice institutions frequently have high recidivism rates and low success implementing various treatments. Whether one considers the square footage in a facility, the number of youths in a facility, or measures of density/crowding, the accumulated research evidence supports the notion that larger facilities have negative consequences. This is an important area for the Juvenile Justice Educational Enhancement Program (JJEED) to consider because one of the negative effects that have been documented is that of larger institution size on education. As the agency that monitors the educational services of juvenile justice institutions in Florida, policy decisions that affect the quality of education provided in these institutions is germane to the mission of JJEED. Not only is quality education important in and of itself, but there is also a well-established link between education and delinquency. If education is negatively impacted by larger facility size, increased delinquency and other anti-social behaviors is a likely result.

Small, community-based programs seem to offer the greatest hope for rehabilitating juvenile offenders by equipping them with the skills necessary for successful community reintegration. The smaller environment allows staff to work more closely with each youth, thereby providing more individualized treatment. The smaller environment also allows for greater emphasis on treatment rather than security. Because community-based programs are located in the community, they allow easier access for parents, often resulting in greater parental involvement, and they potentially make transition back into the community occur more smoothly. Moreover, given the demonstrated increased effectiveness of smaller facilities, long term and substantial cost savings are a likely result.

Preliminary analyses using data collected by JJEED show that larger facilities (those housing over 100 youths) score lower than smaller facilities on their overall QA score (see Chapter 3 for results). The fact that the average QA score for larger facilities is substantially lower than that of smaller facilities supports the claim that large facility size negatively impacts education. Future research conducted by JJEED will look at the effect of facility size on pre

and post-academic outcomes and, subsequently, will examine the effect of academic outcomes on community reintegration. This research will help JJEPP ascertain how education in Florida's juvenile justice institutions will fare if the trend toward larger institutions continues.

The trend toward larger schools that has occurred over the past 50 years and the resulting poor performance of those schools as measured by numerous indicators has led politicians and others to call for education reform. This is important for policy makers to recall as decisions regarding juvenile justice facility size are being made. Florida has experienced much success since the reforms resulting from *Bobby M.* Subsequent legislation has mandated DOE to conduct education QA reviews and the resulting data are used to revise the QA standards in an effort to increase quality education. If the trend toward larger facilities continues in Florida, we risk losing the gains we have made since *Bobby M.*