

PUBLIC SAFETY WITH CARE:

A MODEL SYSTEM FOR JUVENILE JUSTICE IN HAWAII

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I. EXECUTIVE SUMMARY

Assembled at HYCF are those youths who could not find their way through the difficult maze from childhood to maturity along paths prescribed by society ... What we have ... is a hodgepodge of research, popular beliefs (some of them myths), professional attitudes, and institutional strategies as foundations upon which an effective youth correctional facility is supposed to produce miracles after all other parts of the system have failed -- and to do so with minimal resources and less than concerned community support.

(Management Audit of the Hawaii Youth Correctional Facility),
Legislative Auditor of the State of Hawaii, December 1986, pp. 3-4)

Hawaii's juvenile justice system is ripe for reform. The Hawaii Youth Correctional Facility (HYCF) and Hawaii's overall juvenile justice system are currently the focus of a great deal of attention. In 1986, the Hawaii Legislative Auditor released a report which was highly critical of the Department of Social Services and Housing, Corrections Division, in all areas of service provision to HYCF. The Corrections Division was, at that time, a defendant in an American Civil Liberties Union (ACLU) lawsuit alleging unconstitutional conditions in its adult facilities. In 1987, the Corrections Division was given departmental status, and the charge of juvenile corrections was placed with the new Department for a two year study period.

In the meantime, several state commissions had been formed to study and monitor the conditions at the HYCF and the general state of juvenile corrections in Hawaii. These entities seemed to share at least two strong beliefs - that Hawaii's juvenile justice system is in need of reform, and that that reform needed to address both custodial and non-custodial needs.

Finally, based upon the information provided in the Legislative Auditor's report, the ACLU initiated its own investigation of HYCF.

In response to and in recognition of the obvious need for attention which juvenile

corrections presented, the Hawaii Department of Corrections (DOC) commissioned the National Center on Institutions and Alternatives (NCIA) to perform the following tasks:

- Analyze the children in custody at HYCF to discern their need for locked custody versus their amenability for community programming;
- Evaluate the potential for acceptance of community-based programming for such wards by juvenile justice decision-makers;
- Estimate the number of locked beds, staff secure beds and community beds needed to accommodate the population of youths placed in the custody of the DOC;
- Describe, in detail, the types of programs appropriate for Hawaii's delinquent population, giving cost estimates where possible; and
- Provide a workable plan for phasing into such a system.

Analysis of the Population

To accomplish these ends, NCIA researchers interviewed and reviewed the social studies of each HYCF ward incarcerated during the first week of April 1988. Additionally, we examined statewide population data along with HYCF population trends for both one day "snap shots" and annual flow. Finally, we tested each youth on classification instruments utilized by the states of Massachusetts, Florida and Delaware. These scales were chosen because the characteristics they examined (offense severity, recency and frequency) appeared from our Hawaii literature review to be most salient to the Hawaii system.

The scale which placed the highest number of Hawaii youth in secure custody was the Delaware scale. It rated 16 boys and 3 girls as needing locked custody. However, had these youth been in Delaware, 5 boys and 1 girl would already have served the maximum 12 month sentence, thereby leaving 11 boys and 2 girls requiring locked custody. Interestingly, HYCF's own "dangerousness" scale rated 5 boys and 2 girls as "dangerous", a number roughly in line with the Delaware figures.

Community-based System

Each of these scales are predicated upon a well-designed, comprehensive level of community programming. NCIA examined successful community options available to delinquent youth nationwide. The programs which appear to be most appropriate for Hawaii's delinquent population are:

Wilderness Challenge Program: A 25 - 30 day residential wilderness experience designed to present youth with challenging yet achievable tasks.

Experiential Education Program: An enhanced learning experience which employs a variety of educational techniques specially designed for youth who have failed in the traditional classroom environment.

Enriched Employment/Vocational Training: A non-residential vocational program which combines job training with job placement for difficult to place youth.

Intensive Family Outreach and Monitoring: Provides each youth with a paid child care worker, a "gentle gorilla," who is charged with meeting the rehabilitative needs of his/her individual youth. Such workers can work from 5 - 40 hours per week with an individual child and his/her family.

Supervised Independent Living: Subsidized living arrangements for youth whose homes are not workable. Independent living also involves the use of a community monitor to help the youth make the difficult adjustment to life on her/his own.

Extended Family Homes: Typically, these are homes in which one parent is a full time child care worker and one works an outside job. One to two children are placed in such homes in order to simulate normal family life as much as possible. The goal in such cases is generally family reintegration, reflecting the traditional notion of extended families.

Staff Secure Custody: Small, natural looking homes in the community housing 3 - 5 youths each, these homes have a high staff/resident ratio. Youths in such settings have committed offenses which are either of greater frequency or severity than most

HYCF wards. These children are gradually reacclimated to community living through one or more of the aforementioned programs.

Locked Custody: Small, locked settings for Hawaii's few youth who require such care. These facilities have high staff/resident ratios, identifiable, individualized plans, and a gradual reentry mechanism.

State's that fully implement such programs have shown a reduction in the number and severity of crimes committed by their juvenile populations. Case studies of several actual HYCF wards are presented to illustrate how such programs can be utilized in lieu of locked custody.

Implementation Plan

Hawaii's system appears ready for such reforms now. However, because the state is in the middle of a biennium budget and because the departmental placement of HYCF is still undecided, such reform is not likely at present. As such, a two phase plan is presented:

July 1988 - June 1989

It is recommended that, over the next year, Hawaii begin to build a community-based system by:

- Using currently existing residential programs for early parole;
- Establishing a wilderness challenge program for children committed for short terms, and an intensive family outreach and monitoring program into which to parole children committed to age of minority; and
- Contract with a private agency to place youth into these programs, adjust placements with inevitable failures, and train HYCF staff on the "art" of community placements.

During this period, the plans and budgets for full implementation need to be designed as well.

July 1989 and beyond

Create a Division for Youth. In whatever department the 1989 Legislature decides to place juvenile corrections, it is clear that youth corrections must be given division status if reforms are to be made. Changing any system is difficult, and cannot be done if attention is continually diverted elsewhere.

Restructure funding. If children who were formerly incarcerated are to be safely and responsibly placed in the community, the money which was earmarked for their confinement must follow them into their community settings. This can be achieved through a voucher system which is analagous to providing individual requests for proposals for each child.

Fully develop the continuum of care programming system. After the state has a year of experience with community programming, a funding structure in place and a division head committed to reform, programs like those detailed above can be established to accept youth who would formerly have been incarcerated.

Renovate existing HYCF structures.

- Twelve boys' beds. The present 10 bed girls cottage (Hookipa) could be easily expanded by 2 beds to accommodate a total of 12 boys.
- Three girls' beds. The vacant staff cottage could be renovated and turned into a locked unit for 3 girls.
- It is further suggested that a 6 bed boys' unit be designed, but not built, to prepare for a possible increase in custody needs driven by a rise in the statewide juvenile population expected through 1995, an increase in youth gang related violence, and/or random delinquent population fluctuations.

The data presented in this report, along with the attitudes and philosophies of Hawaii's key decision makers, present a hopeful outlook. The opportunity to design and implement a safe, responsible and humane juvenile justice system is tremendous. NCLA staff thank the state for this opportunity to contribute in a small way to what promises to be an exciting and worthwhile endeavor.

II. HYCF POPULATION PROFILE

It used to be, we would see short termers come in here and we would warn them "don't you be coming back in here no more." But we would keep seein' 'em come back in all the time anyway. So then we decided to give them a lickin', all the short termers, so that they wouldn't be comin' back to this place no more.

-HYCF ward committed to age of minority

Description of HYCF

The Hawaii Youth Correctional Facility (HYCF), still called Koolau by some, is an 82 bed facility operated by the Department of Corrections. There are three cottages at HYCF: Kaala (capacity 36) which generally houses the older/larger boys; Olomana (capacity 36) which generally houses younger/smaller boys, or "short-term" commitments; and Hookipa (capacity 10) which houses girls.

The cottages are locked facilities with the boys' cottages being entirely self enclosed and the girls' cottage surrounded by a chain link fence with razor wire. The HYCF grounds are not fenced in. As such, when children deemed to be either dangerous or flight risks are transported between buildings, they are shackled. Additionally, when such high or medium security children work outside their cottages, they are also shackled.

The primary activities in which the children participate are school and work. Those sent for "short-term" commitments of 30 days or less are not allowed to attend school because of the perceived difficulties in programming short termers. Ironically, some of these short termers who are not allowed to go to school are incarcerated as a violation of probation for truancy.

Most of the work opportunities available to the children entail manual labor.

Generally, the boys cut grass with a sickle and the girls pick weeds. Additionally, there is a Farm which the institution operates at which some of the children work. This work assignment is generally considered a superior one by both staff and children.

It is almost universally agreed that the educational opportunities available to the charges of the HYCF are inadequate. There is little vocational education, there are virtually no field trips, and there is inadequate individualization given the distinct needs of this troubled population.

Finally, counseling services are provided to the youth at HYCF. The Department of Corrections employs its own social worker, and the Department of Health, Division of Mental Health has a part time psychologist located at HYCF. Also, a psychiatrist in the employ of the Division of Mental Health is available on call to the HYCF. A point system is also employed which provides rewards or punishments for certain behavior.

It is generally agreed that the rehabilitative mechanisms designed to effect change in the youth are fragmented, inconsistent, and inadequately staffed. Line staff interviewed by NCIA had little idea what the "treatment goals" for specific youth were, and how their behavior would enhance or detract from the attainment of those goals. Most reported that it would not matter much anyway since most of the time there were 3 staff with 30 boys. With such staffing ratios, the Youth Correctional Officers felt that they were able to serve as little more than prison guards.

Description of Youth at HYCF During April 4-8, 1988

During the week of April 4-8, NCIA interviewed and reviewed the social studies of the 80 youth detained at HYCF. During the research period several youth arrived at the facility, some serving relatively short terms left, and one transferred from locked custody to parole. Of this sample, 14 were girls and 66 boys.

Commitment Offenses

Of the boys, only 10 (15.1%) had been committed for felony charges involving a threat of or actual harm to an individual. Another 7 boys (10.6%) had been

committed for violating probation or parole and 2 (3%) were committed for contempt of court. The majority of boys had been committed for offenses against property (35 or 53%). For 12 boys (18.2%), the offense of commitment was a misdemeanor.

Of the 14 girls, only 1 (7.1%) had been committed for felony charges involving a threat of or actual harm to an individual. An exceptionally high number of girls (9 or 64%) were committed for misdemeanor offenses. Several individuals interviewed expressed serious concern about how many girls are committed to HYCF for offenses for which a boy would not be committed.

Virtually all of the decision makers who were interviewed agreed that the use of locked custody should be reserved for children who were either a danger to themselves or others, or who were habitual felony offenders. It was generally felt that, due to the lack of intermediate care, too many repeat property offenders were placed in locked custody at HYCF and exposed to the negative aspects of institutionalization which is counterproductive to their rehabilitation. The commitment charge data presented herein tends to corroborate those feelings.

Table A
HYCF YOUTH BY MOST SERIOUS COMMITMENT OFFENSE
(N=80)

<u>Charge</u>	<u>Boys</u>	<u>Girls</u>	<u>Total</u>
A Felonies			
Kidnap A (no B)	1	0	1
Sexual Assault 1°	2	0	2
Robbery 1°	5	1	6
B Felonies			
Prom. Dang. Drug 1°	1	0	1
Robbery 2°	1	0	1
Burglary 1°	10	4	14
Assault 1°	1	0	1
C Felonies			
Burglary 2°	5	0	5
Assault 2°	1	0	1
Auto Theft	9	0	9
Theft 1°	2	0	2
Terroristic Threatening 1°	3	0	3
Reckless Endangerment 1°	1	0	1
Misdemeanors & Petty Misdemeanors			
Assault 3°	3	3	6
Theft 2°	4	1	5
Criminal Property Damage 3°	1	1	2
Other	4	4	8
Parole or Probation Violations			
Probation Violation	8	0	8
Parole Revocation	4	0	4
TOTAL	66	14	80

Sentence Length and Time Served

Of the boys, 13 (19.6%) had already served 14 months or more, and 5 (7.6%) had

served over two years. Three girls (23%) had been incarcerated over 14 months. In those states with enhanced institutional programming and a continuum of care to which to parole wards, the 12 - 14 month period is a generally accepted upper limit for incarceration.

Table B
SENTENCE LENGTH AND TIME SERVED
(N=80)

	<u>14 + mos.</u>	<u>12-14 mos.</u>	<u>6-12 mos.</u>	<u>4-6 mos.</u>	<u>< 4 mos.</u>
boys (total 66)	13	2	15	6	30
girls (total 14)	3	0	4	1	6

Ten (15.2%) of the boys in custody were committed through age 19 or waived to the adult system and none of the girls were so committed. Thirty-nine boys (59.1%) and 9 girls (64.3%) were committed through the age of minority. Only 17 boys (25.7%) and 5 girls (35.7%) in custody were committed for "short terms" ranging from 30 days to one year.

Table C
HYCF YOUTH BY TYPE OF COMMITMENT
(N=80)

<u>Type of Commitment</u>	<u>Boys</u>	<u>Girls</u>
Waived	2	0
To Age 19	8	0
To Age of Minority	39	9
"Short-term"	17	5
TOTAL	66	14

Ethnic Origin

Over half the boys and exactly half of the girls were reported to be part Hawaiian. Another 9 of the boys and 1 girl were reported as of only Samoan background.

The importance of culturally sensitive programming both at HYCF and in developing programs is obvious in the racial/ethnic composition of HYCF youth. Children of Hawaiian and Samoan ethnic origin are overrepresented in the HYCF population. Those of Hawaiian and part-Hawaiian ethnicity comprise 52.5% of the HYCF sample and 19.1% of the general population. Those of Samoan ethnic origin comprise 13.8% of the HYCF sample and 1.0% of the general population.

Table D
RACIAL/ETHNIC ORIGIN OF
HYCF YOUTH AND GENERAL POPULATION
(excluding those in institutions and military barracks)

<u>Racial/Ethnic Group</u>	<u>HYCF Sample</u>	<u>General Population*</u>
Hawaiian/Part-Hawaiian	52.5%	19.1%
Samoan	13.8%	1.0%
Filipino	11.3%	11.3%
Black	1.3%	1.6%
Caucasian	7.5%	24.5%
Japanese	0.0%	23.2%
Other	13.6%	19.3%

*Source: Hawaii Department of Planning and Development, Data Book 1985, p. 44

Court of Commitment

The majority of both boys (62.1%) and girls (57.1%) were committed from the First Circuit courts. The Third Circuit (Hawaii) committed the next highest number of youth, 12 (18.1%) boys and 3 (21.4%) girls. The Second Circuit (Maui) committed 6 (9.1%) boys and 3 (21.4%) girls and the Fifth Circuit (Kauai), 7 (10.6%) boys and no girls.

Table E
HYCF YOUTH BY COURT OF COMMITMENT
(N=80)

<u>Family Circuit Court</u>	<u>Girls</u>	<u>Boys</u>	<u>Total</u>
Court #1 (Oahu)	8 (57.1%)	41 (62.1%)	49
Court #2 (Maui)	3 (21.4%)	6 (9.1%)	9
Court #3 (Hawaii)	3 (21.4%)	12 (18.1%)	15
Court #5 (Kauai)	0 (00.0%)	7 (10.6%)	7
TOTAL	14 (100.0%)	66 (100.0%)	80

HYCF Security Classification

The HYCF "Movement of Population" sheet for the first week in April showed that 5 (35.7%) of the girls and 18 (27.3%) of the boys were classified as close (or high) security risks. Of these, only 2 girls (14.3%) and 5 boys (7.6%) were classified as "dangerous". It is apparent from these figures that the close security classification is utilized more to denote flight risk than dangerousness to the community. In fact, for the first week in custody, youths are automatically placed on close security because they are deemed high risks of flight.

Table F
HYCF YOUTH BY SECURITY LEVEL
(N=80)

<u>Security Level</u>	<u>Girls</u>	<u>Boys*</u>
close	5	18
waived	0	1
medium	2	17
minimum	6	27
no information	1	3
TOTAL	14	66

* One of the two boys who had been waived to the adult system was also classified as medium security.

The way in which security classifications are assigned and used at HYCF adds further weight to the need to reduce the number of HYCF wards and develop a viable continuum of care system. The vast majority of the children incarcerated are not deemed to be dangerous by HYCF standards. Nonetheless, all children are initially classified as close security, regardless of their commitment offense, until they "adjust" to the institution. Close security entails the use of shackles at all times when the youth is out of the cottage such as to and from work and school. This results in many youth, committed for short terms, being shackled and on close custody while other wards, committed to minority for more serious offenses, are under minimum security.

Most of the children NCIA interviewed reported that those who are either young, slight, from neighbor islands, or committed for "short terms" are treated to a "licking", or physical abuse, by the longer term wards upon arrival and for several days or weeks thereafter. This places these youth in the untenable position of having to "adjust appropriately" to regular physical abuse in order to be taken off close security and out of shackles. These youth reported that they do not tell the staff of their beatings for fear of reprisal from others. They either quietly acquiesce to the strictly enforced pecking order, fight back, or run. Of those three options, only being acquiescent results in removal from close custody, whereas the other two can result in additional felony charges, lengthened terms, or threats of waiver to the adult system. It bears noting that such regular exposure to physical abuse and/or intimidation forces these wards to internalize their rage and to develop feelings of inferiority - feelings which are clearly not in the interest of the state to allow.

Description of Parole

Nowhere is the system's confusion between punishment and rehabilitation more clearly evidenced than in the area of parole. As with classification, children are required to adjust to an unnatural and oppressive situation in order to be deemed appropriate for return to the community. It is not surprising that for the last year in which data were available, 1986-87, only 10 out of 165 discharges from the Hawaii

Youth Correctional Facility were released by means of parole.

Parole can be granted to youths who have indeterminate sentences (age of minority or age 19) at the discretion of the Department of Corrections. As Chapter 352-25 of the Hawaii Revised Statutes states:

No furlough, parole, or discharge shall be granted unless it appears to the director that there is a reasonable probability that the person will not violate the law and that the person's release is not incompatible with the welfare and safety of society.

Parole staff at HYCF have chosen to interpret Chapter 352-25 as meaning that children cannot be paroled unless the DOC can guarantee that they will not reoffend, a virtual impossibility. As such, the parole procedure and parole services are seriously underdeveloped. Very little exists in the way of clear procedures regarding parole and what policies do exist are overly cumbersome. A parole consideration grid was developed which, according to some staff, is rarely utilized. Children report being constantly frustrated by the parole process and never being certain of the steps they must complete in order to be released. Matters are worse for neighbor island wards because both children and parole staff are expected to complete a home visit prior to parole consideration. Limited funds make this a low priority. In addition, the Department of Corrections does not contract with any of the available community-based residential programs for use by parole. (One unlicensed foster home is used for parolees and funded by the Department of Human Services.) Use of currently available community programs would (1) allow children to be released on parole much earlier than they presently are and (2) cut down on parole violations associated with returning to a dysfunctional family setting.

At the time of the DeMuro report (September 1987) there were only 4 children out on parole. Sixteen children were either on parole or parole suspension at the time of this study, a four-fold increase. NCIA was unable to identify any procedural or programmatic changes in the system to which this increase could be attributed other than the will to increase use of parole.

Description of Youth on Parole During April 4-8, 1988

During the week of April 4-8, NCIA reviewed the social studies of the 10 youth currently on parole from HYCF. Of these, 9 were boys and 1 was a girl. Though

NCIA was unable to arrange interviews with those youth, 5 of those detained at HYCF and interviewed by NCIA had been suspended from parole. One of those 5 was placed back on parole on April 6th.

Commitment Offenses

Most of those on parole (80%) were committed for a C felony or less serious offense. Only 2 were committed for B level felonies (Kidnapping and Robbery 2°).

Table G
HYCF PAROLEES BY MOST SERIOUS COMMITMENT OFFENSE
(N=10)

<u>Offense</u>	<u>Girls</u>	<u>Boys</u>
B Felonies		
Kidnap	0	1
Robbery II	0	1
C Felonies		
Burglary II	0	2
Theft I	0	1
Misdemeanors		
Criminal Trespassing	0	1
Criminal Property Damage III	0	1
Theft II	0	1
DWOL	1	0
Parole Revocation	0	1
TOTAL	1	9

Sentence Length

As noted above, all those on parole had been committed to minority or age 19. Sixty percent had been previously committed to HYCF. All the youth on parole had been incarcerated 13 months or longer and 8 (80%) had served over 14 months at HYCF.

Two of the 10 presently on parole had been returned earlier to HYCF for violations of parole. (As noted above, 5 of those classified for purposes of this study as "in custody at HYCF" had been temporarily suspended from parole.)

Ethnic Origin

Of those on parole, 60% were reported as at least part Hawaiian. Another 30% were reported as pure Samoan.

Court of Commitment

Half of those youngsters on parole had been committed from the First Circuit Court (Oahu) and the other 50% from the Third Circuit Court (Hawaii). This distribution is probably unusual. Interviewees reported to NCIA that most of the youth paroled are committed from Oahu.

NCIA was informed by several interviewees that fewer youth are paroled to the neighbor islands for two reasons. First, the HYCF parole staff routinely visit a potential parolee's home before release and potential parolees are required to make a home visit before release on parole. These are both harder to accomplish if the youth's home is not on Oahu. Second, lack of HYCF parole staff forces reliance on probation staff in counties other than Oahu. Because of high caseloads, most local probation staff place supervision of HYCF parolees low on their list of priorities.

In addition, interviewees reported that the Second Circuit Court (Maui) is more likely than other courts to commit youth for "short-term" commitments as opposed to the age of minority so that they can make their own "parole" decisions and provide their own follow-up services. As such, Second Circuit children are often committed for "not to exceed one year", during which time regular updates are provided to the Second Circuit Probation Department. With sufficient progress, sentence modifications are granted during the year.

III. SCORING OF HYCF YOUTH WITH OTHER STATES' INSTRUMENTS

The Department of Corrections should postpone construction of a new facility until a clear distinction is made between those youths who need a secure, locked facility, and those who can be in less restrictive alternatives.

- Juvenile Justice Interagency Board, Report..., January 1988, p.1

A key element in NCIA's research design was the scoring of HYCF youth using instruments employed by state juvenile corrections agencies in three other states. These agencies are each part of the executive, not the judicial, branch of government. Each instrument emphasizes different characteristics of a case or individual. They were chosen because they are utilized in conjunction with the type of continuum of care system which Hawaii is considering adopting. As such, these scales present three separate estimations of the secure bed needs of Hawaii assuming that a viable continuum of care system is in place.

These scoring instruments reflect to some extent policies already apparent in documents now utilized by the Family Courts, a part of Hawaii's judicial branch of government. Though considerable discretion is left to the sentencing judge in Hawaii, three documents appear to be utilized to encourage uniformity in sentencing juveniles. First, Act 303 laid the groundwork for reform of the process. Social studies are mandated in each case, rehabilitation is emphasized, and punishment is given some weight. Second, the Hawaii Crime Commission's report, The Serious Juvenile Offender in Hawaii, prepared a definition of the serious juvenile offender and suggested a range of possible sanctions, including, but not limited to, HYCF commitment. (Hawaii Crime Commission, June 1985, pp. 200 & 215.) This report attempted to encourage even greater uniformity in sentencing. Third, a list entitled "Criteria for Incarceration" published in the 1988 Juvenile Justice Interagency Board (JJIB) report, outlines what information is required from probation officers to support a recommendation of a commitment to HYCF. (Interagency Report, 1988, p. 14-15.)

By all reports, much of what these documents are supposed to accomplish is thwarted by the courts' reluctance to refer children to the custody of the Department of Corrections and the lack of viable alternatives to HYCF. Numerous interviewees reported that the poor quality of programming at HYCF often results in a youngster being kept inappropriately in the community rather than being sent to HYCF, while others indicated that the lack of appropriate community-based services leads to an

overuse of HYCF.

Description of Scoring

NCIA selected the following scoring instruments as a means of measuring which of the youth at HYCF and those on parole require locked custody, and which might be more appropriately placed elsewhere, assuming an adequate level of community-based programming. These scales conform to the values espoused by the Hawaii juvenile justice system as embodied by the documents referred to above and by our interviews with significant personnel. By using these devices, NCIA by no means suggests that Hawaii need adopt any of them. Rather, they are offered to provide a tool by which an assessment of the HYCF population can be rendered.

Massachusetts

In Massachusetts, the primary focus in determining length of sentence and degree of restrictiveness is on the instant offense, though persistent and/or escalating delinquent behavior is considered. An appeal of placement process is available.

In March 1981, the Massachusetts Department of Youth Services (DYS) adopted a classification policy as a basis for a "systematic effort to insure that decisions about the confinement of young offenders are predictable and fair." (Massachusetts Department of Youth Services, August 1986, p. i.)

By law, DHS has wide discretion to place youth committed by the courts. The state has successfully operated a deinstitutionalized juvenile corrections system for over fifteen years. A court commitment to DHS can result in placement in a locked facility like HYCF, or in a range of staff secure, community-based settings or non-secure placements.

The goal of this classification process is "to give special attention to those juveniles committed to DHS for either violent behavior or repetitive delinquency, and to deal with them in the most consistent, effective and judicious manner possible." (Massachusetts Department of Youth Services, August 1986, p. 1.) To attain this goal, the process seeks to (1) estimate the degree of danger a juvenile presents to the community and/or to him or herself, (2) estimate a juvenile's capacity to control or change his/her anti-social behavior, and (3) balance these estimates with the need to

assure public safety.

A three member classification panel reviews all commitments for serious crimes against persons, e.g. murder, armed robbery, etc. and revocations. Other commitments are referred at the discretion of the DYS Regional Director. A classification grid is used to assist the DYS Regional Directors to determine which cases need to be considered by the classification panel (Please see Appendix F). If the instant offense is a serious crime against the person, the grid calls for mandatory referral to a secure (either locked or intensively staffed) treatment program. A persistent and escalating pattern of delinquency or parole/probation revocation may also be referred.

Of primary relevance to Hawaii are the incarcerative sentences defined by the DYS classification grid. For example, those convicted of Category A offenses, the most serious crimes such as murder, manslaughter, and vehicular manslaughter, serve an indeterminate sentence of at least 12 months in secure custody. Those convicted of Category B offenses such as armed robbery, kidnapping, sexual assault, etc. serve from 6-14 months and are gradually reintegrated into the community after release from secure custody. In this second case, early release or extension of the maximum are possible following a case conference (Please see Appendix F).

According to the Massachusetts scale, only 12 of the youth incarcerated at the time of our study scored in the mandatory secure custody range. Massachusetts gives an enormous amount of discretion to its Regional Directors and Parole Hearing Officers. On all youth but those committed for the most serious offenses, referral to the classification board is optional.

Table H
SCORES OF HYCF YOUTH BY THE MASSACHUSETTS INSTRUMENT
(N=79*)

	<u>mandatory</u>	<u>discretionary</u>
boys (total 66)	11	55
girls (total 13)	1	12
TOTAL	12	67

* One girl could not be scored because adequate data were not available.

If we assume that all 12 children scoring "mandatory" would serve the maximum 14 month sentence employed in Massachusetts, only 7 of them would have remained in locked custody at the time of our visit. If we make the more reasonable assumption that they would have served an average of 10 months, only 4 would have remained.

Table I
HYCF YOUTH REQUIRING SECURE CUSTODY
BY MASSACHUSETTS INSTRUMENT
(N=79*)

	<u>Secure</u>	<u>Percent of Total by Sex</u>
Boys (Total 66)	7	10.6%
Girls (Total 13)	0	0.0%
TOTAL	7	10.1%

* One girl could not be scored because adequate data were not available.

Of those youngsters on parole, only 2 of the 10 would have scored in the mandatory secure range. If we assume that both would serve the maximum 14 month sentence, neither would have served as long as they did. (One served 16 mos 21 days; the other 15 mos 9 days.)

The Massachusetts system is much more discretionary in terms of intermediate placements of children and, as such, is not helpful in determining where in the range of staff secure facilities to community-based, non-residential programs HYCF youngsters should be placed. As noted above, DYS Regional Directors and Parole Hearing Officers have much latitude in deciding who must be seen by the classification board. Although Hawaii may eventually want to utilize such subjective decision making, for the purposes of estimating bed needs other than locked beds, the Delaware and Florida systems will be more heavily relied upon.

Delaware

In Delaware, the primary focus in determining the degree of placement restrictiveness is on current offense and prior record. In developing the Delaware

scale it is noted that "the ultimate justification for secure juvenile correctional institutions is the protection of the public from violent and serious offenders." (DeMuro and Krisberg, 1987).

The Delaware instrument was developed in 1987 to assist the Department of Services for Children, Youth and Their Families in determining appropriate placement for youth committed by the courts. The instrument attempts to assess the level of dangerousness a child presents so that the Department can then make sure that the level of supervision necessary to offset that perceived danger is available in the community.

The Delaware instrument assigns those scoring 10 or more points to locked confinement for an average of twelve months. Those scoring between 6 and 9 points are given special consideration and a detailed work-up is required before a decision is made for either staff secure, locked, or non-secure placement. And those scoring less than 6 points are automatically placed in non-secure care. Delaware's system assumes a range of secure care options in which secure care can be defined by locked doors or staff intensive programming.

According to the Delaware scale, only 16 boys and 3 girls incarcerated at the time of our study would ever have scored in the locked custody range. Out of these 19 children, 5 boys and 1 girl would already have served 12 months at HYCF (the recommended period of locked confinement in Delaware), leaving 11 boys and 2 girls in secure custody. Of those 13 who have served less than twelve months, we can assume that 7 - 8 would have been in locked custody and another 5 - 6 would have already been placed in staff secure settings.

Table J
HYCF YOUTH REQUIRING SECURE CUSTODY
BY DELAWARE INSTRUMENT
(N=79*)

	<u>Secure</u>	<u>Percent of Total by Sex</u>
Boys (Total 66)	11	16.7%
Girls (Total 13)	2	15.4%
TOTAL	13	16.5%

* One girl could not be scored because adequate data were not available.

On the Delaware scale, 17 boys and 2 girls scored between 6 and 9 points. These youths would require close study in order to determine the appropriate level of restrictiveness. An estimated 3 - 5 of these youth would require locked confinement at least initially. These could be gradually reacclimated through community settings.

Of the 19 children in the 6 - 9 point range, 14 are non-violent offenders. Some of these would require staff secure settings and others could be treated in specialized foster care or under intensive supervision at home.

By far the largest number of children scored in the 0 - 5 point range -- 33 boys and 8 girls. These are primarily non-violent offenders with limited prior histories in terms of severity, frequency and recency. These youth are generally considered appropriate for in home family services and intensive supervision. It was clear from interviews that many of those youth who were incarcerated for "short-term" commitments were referred for a "time out" from their disjointed home lives or delinquent behavior. Such youths could have the seriousness of their behavior impressed upon them through a rigorous wilderness program, augmented by follow up services.

Table K
SCORES OF HYCF YOUTH BY DELAWARE INSTRUMENT
(N=79)

	<u>Secure</u>	<u>Special Staffing</u>	<u>Community</u>
Boys (Total 66)	16	17	33
Girls (Total 13)	3	2	8
TOTAL	19	19	41

Of those youth on parole, 8 (80%) scored in the community range. Of the 2 who scored in the secure custody range, both would have served more than the maximum term recommended in Delaware before their actual release date from HYCF. (One served 16 mos 21 days; the other 15 mos 9 days.)

Florida

In Florida, the greatest emphasis in determining the degree of placement restrictiveness is on both the instant offense and prior adjudicated offense(s).

Florida's first non-secure custody program was established in 1973 to provide an alternative to locked custody for youth detained primarily because they could no longer remain in their unstable homes. Its primary intent is "to reduce secure detention population to a manageable level which will eliminate the need to construct new detention facilities or expand existing facilities." (Florida Department of Health and Rehabilitative Services, January 1986, p. 2-1.)

Most youth pass through locked custody prior to non-secure placement, though direct placements to non-secure custody are accepted.

Non-secure placement is usually with the natural family, a foster family, or group home. "Community youth leaders" are assigned a caseload of seven to ten youth. They must have face-to-face contacts with the child and significant others seven times the first week, five the second and third weeks, and, as necessary, the fourth and subsequent weeks.

The Florida instrument assigns those scoring 6 or more points to secure custody, though for as short a period as possible. Those scoring between 3 and 5 points are considered for non-secure placement. Those scoring less than three points are automatically placed in non-secure care.

As with Massachusetts and Delaware, Florida's system leaves open for development a broader range of secure care options than merely locked doors.

The Florida point score system showed 7 boys and 1 girl in need of secure custody. Of these, however, 2 boys and 1 girl had already served 12 months, thereby leaving 5 boys in need of secure custody.

Table L
HYCF YOUTH REQUIRING SECURE CUSTODY
BY FLORIDA INSTRUMENT
(N=79*)

	<u>Secure</u>	<u>Percent of Total by Sex</u>
Boys (Total 66)	5	7.6%
Girls (Total 13)	0	0.0%
TOTAL	5	6.3%

* One girl could not be scored because adequate data were not available.

Only 4 boys fell within the middle, optional range, and a full 67 (84.8%) youth scored as never needing secure custody.

Table M
SCORES OF HYCF YOUTH BY FLORIDA INSTRUMENT
(N=79)

	<u>Secure</u>	<u>Special Staffing</u>	<u>Community</u>
Boys (Total 66)	7	4	55
Girls (Total 13)	1	0	12
TOTAL	8	4	67

Nearly all (90%) of those on parole scored in the community range.

The primary difference between the Delaware and Florida scales was that the Florida system gave much less weight to "B" level felonies than did Delaware. Additionally, the Delaware scale added a point for prior out-of-home placement.*

* A surprisingly large percentage of HYCF youth (37%) had never been placed in an out-of-home setting prior to HYCF commitment.

IV. A MODEL SERVICE SYSTEM FOR HAWAII'S YOUTHFUL OFFENDERS

If I stand in the doorway, this room is secure. If I lock the door, this room is secure. Either way, you have secure custody. I don't get nervous when you talk about keeping kids secure. It's when you talk about locking kids up that I get nervous.

-Probation staff member

As noted above, a consideration of the sheer number of youth who require locked custody is meaningless in the absence of an analysis of the community programs into which these same youth could be placed in lieu of incarceration. The people of the State of Hawaii have a right to know that they will be afforded a high level of public safety by such programs, and that children placed in them will be provided with humane and effective treatment.

Basic System Elements

In 1986, the Rand Corporation completed a comprehensive study for the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP). This report details seven essential program components necessary for the successful intervention into the lives of chronic delinquent and troubled youths. According to the Rand Corporation, an effective program should:

- Provide opportunities for each youth to overcome adversity and experience success, encouraging a positive self-image;
- Facilitate bonds of affection and mutual respect between juveniles

and their guardians and promote involvement in conventional family and community activities;

- Provide frequent, timely, and accurate feedback for both positive and negative behavior;
- Reduce or eliminate negative role models and peer support for negative attitudes and behavior;
- Create opportunities for juveniles to discuss family matters and early experiences in a relaxed non-judgemental atmosphere;
- Require juveniles to recognize and understand thought processes that rationalize negative behavior; and
- Vary the sequence and amount of exposure to program components to adapt to the needs and capabilities of each participating youth.

The programs described in this section closely conform to these criteria and take into account Hawaii's unique geographical and cultural features. In addition, they are all connected by the following elements:

- Case Management: It should be emphasized that a rich diversity of innovative community-based programs does not insure that they will be effectively utilized. A diversity of state contracted programs can often become fragmented and disjointed thus undermining their impact. Because this population requires a response that will insure public security along with rehabilitation, a well developed case management approach is essential.

Case management requires at least one individual be responsible for developing and maintaining a continuity of service and control for each individual youth. There are seven primary functions of case management. These are: assessment, planning, referral, service monitoring, follow-up, documentation, and evaluation.

- Assessment: This is the initial process in which the child is screened to determine his/her primary needs. This screening involves a careful evaluation of both social and psychological

elements in the child's life.

- Planning: After the assessment, a behavioral performance contract between the youth and the case management team is developed. The contract specifies in concrete terms the goals of the treatment-control process. For the serious youthful offender, performance objectives should be stated in very precise and measurable terms.
- Referral: Once the youth's needs have been assessed and individualized performance objectives developed, it is then the responsibility of the case manager to locate the appropriate resources and make the necessary referrals to the outside agencies.
- Monitoring: When the necessary services have been procured, it then becomes the responsibility of the case manager to monitor the youth's progress within each program. This provides an important mechanism in determining the quality of service being delivered.
- Intensive Tracking: An essential element in a community-based system to insure public safety is close and intensive tracking so that officials can determine the location of the youth at any particular time on any given day. Proper case management planning, that includes regular program contacts and case review, will insure that a youth's whereabouts are known at all times.
- Evaluation: A case management system provides a concrete and objective means for evaluating the effectiveness of both individual programs and the entire system. For example, a program's effectiveness can be measured according to how well performance objectives for each child have been achieved.

Ultimately, the effectiveness of the system will be measured on how the youths perform once they are released from the system and returned to the community. The success level should be determined by the amount of crime in which the youths engage after their release and by how many eventually enter the adult system.

Program Descriptions

The following programs adhere to the aforementioned criteria and offer the highest

degree of flexibility and individualized services currently available in the juvenile justice field. They are based on models that are presently operating successfully in other major jurisdictions throughout the United States.

These programs are founded on the continuum of care concept, which dictates that a range of flexible programs be provided for all youth. This allows the system's decision makers to alter and adapt the selection of programs and services according to the needs of the youth. In order to assure that the programs will remain innovative, responsive, and accountable, NCLIA recommends that many of the services be procured through purchase of service contracts with private vendors.

Wilderness Challenge Program

Wilderness challenge programs are carefully structured short-term experiential education programs for youths with motivational and behavioral problems. Such programs are specifically designed to build positive social skills, personal responsibility, respect for authority, decision making, and self-esteem. These behavioral objectives are achieved through graduated levels of physical and mental challenges that force the youth to confront personal issues. In this context, youth poignantly learn how their choices impact other people.

Wilderness challenge programs are viewed as a viable alternative education program for youth who have not been successful in a traditional classroom environment. Many educators feel that the experiential education model is a highly effective method for developing the youth's motivation to learn.

The use of wilderness challenge programs as a means of modifying delinquent behavior has been the subject of numerous studies dating back to the early seventies. For example, in 1971 education psychologists Francis Kelly and Daniel Baer published the first comprehensive study to determine whether a program of severe physical challenge can be more effective than a traditional training school in reducing further delinquent behavior. They concluded that:

[S]evere physical challenge may be an effective method in reducing recidivism in adolescent delinquents...action oriented adolescents may respond more to action programs than to cognitively oriented approaches... this approach could be of sufficient value to recommend it as a supplement, if not an alternative, to institutionalization.

Over the past 15 years more and more states have been utilizing wilderness challenge programs for purposes such as "short-term" detention and evaluation.

These programs have proven highly successful. Recently the State of Florida, which relies heavily on experiential education models, completed an evaluation on their 26 day wilderness program. The study found recidivism rates for their outward bound program were lower than all other juvenile justice programs in the state.

A 25 to 30 day wilderness challenge program for each youngster can be purchased from a private vendor at a cost ranging from \$1500 to \$2000 per program. Last year, there were 131 short term commitments to HYCF. No doubt, a large portion of these children could have been served through a short-term wilderness experience. Again, when compared to the average monthly costs of many residential and institutional programs, wilderness challenge programs compare very favorably.

Experiential Education Program

Approximately 90% of the youth who end up in the juvenile justice system have failed in the traditional school environment. For many youth, school failure is directly related to delinquent behavior and other forms of acting out. Most of these failures are attributable to varied learning styles that impede the ability of certain individuals to learn in a traditional classroom environment. Many educators believe that a large segment of the population learn best through active participation in the learning process rather than passive participation as required under the traditional classroom model. The active learning model is based on the planned application of direct experience to impart knowledge and stimulate motivation. This process has become known as experiential learning.

In recent years a number of innovative experiential education programs have been developed to specifically address the learning problems of youth in the juvenile justice system. Among the most successful models has been the experiential education approach pioneered by Associated Marine Institutes (AMI).

AMI is an alternative education program that combines small group individualized instruction with a highly developed experiential curriculum. The daily activities of the experiential curriculum focuses on the study of marine and earth sciences. These activities include scuba diving, excavation, conservation work projects, specimen collection, practical oceanography, and seamanship. Because the majority of school failure is due to lack of interest and boredom, this non-traditional learning approach has proven extremely effective in stimulating the interest of disaffected youth and promoting pro-social behavior.

AMI operates non-residential and residential programs for youthful offenders in the states of Florida, Texas, South Carolina, Delaware, Louisiana, and Maryland. These

programs serve both male and female felony offenders between the ages of 15 and 18. One of the primary efforts of AMI is to prepare youth for their general equivalency diplomas while providing them with rewarding work experience.

A 1987 evaluation of AMI by the Florida Department of Health and Rehabilitative Services found that youth placed in this program had the lowest recidivism rates of any other juvenile correctional program in the State of Florida. Only 32 percent of AMI youth recidivated. This compares very favorably with the training school population that had recidivism rates exceeding 60 percent.

The start-up cost of AMI are estimated at \$150,000. The daily cost per youth for a 30 day slot program is approximately \$48, or \$8,600 per child per school year. This program could provide education services to youth who reside in their homes or in any of the various residential programs previously described.

Employment Preparation and Vocational Training

One of the most critical elements in reducing criminal behavior is improving the employment potential of offenders. It should be recognized that treatment programs can help ameliorate social problems, but their impact can be seriously impaired if opportunities for productive employment are absent. The majority of the youth brought under the purview of the juvenile justice system are academic failures and therefore least able to assimilate into the job market. Without a substantial effort to improve the employment prospects of these youth, many of the benefits achieved in other programs could be negated.

There are a number of non-residential youth employment training models nationally that are specifically designed to address the needs of those youths most at-risk and most difficult to reach. Among the most successful of these programs is the 70001 Training and Employment Institute based in Washington, D. C. Along with administering their own programs, this agency provides comprehensive assistance to national state and local governments in establishing pre-employment programs for delinquent and at-risk youth.

70001 programs are designed to prepare high-risk youth for private sector employment through a combination of remedial instruction, pre-employment training, and motivational exercises. Partnerships with the business community are vigorously pursued to augment the resources of the program and to help each youth bridge the gap between training and work. In addition, local businesses provide information on their current and future employment needs so that training can specifically target available opportunities. According to Dr. Andrew Hahn of

Brandeis University, a national authority on youth employment, the non-residential models developed and implemented by 70001 in various jurisdictions across the country are among the most effective currently in operation. These programs are managed and staffed by local residents with technical assistance offered through its national office in Washington, D.C.

Local programs developed by 70001 are primarily funded through the U.S. Department of Labor, Job Training and Partnership Act (JTPA). The total yearly cost per youth of \$1412 is borne entirely by JTPA. NCLIA recommends supplemental after-care services be provided through direct state contracts.

Intensive Family Outreach and Monitoring

A Family Outreach and Monitoring component provides in-home support services for the family whose child would otherwise be placed either in residential treatment or institutional care. Of particular relevance to HYCF youth this model offers intensive in-home follow-up care for those youth who are returning to the community from residential settings.

Program staff (advocates under the supervision of a case manager) work with the family in the home and community, to help overcome the family problems that often contribute to the child's delinquent behavior. According to Lloyd Ohlin (1978), providing youth with family-based services will serve the vital function of establishing constructive relationships with community networks and will effectively reduce criminal behavior.

The staff member may, for example, play the role of a parent by finding out what kinds of problems a youth is having at school. The staff member may want to meet the youth and the vice-principal or teacher to attempt to sort out and straighten out behavioral or academic problems. If this staff member helps a parent in doing these tasks that is even better, but faced with a disinterested parent, the staff member would act on behalf of the youngster in that specific situation. (Ohlin, 1978).

Intensive family service advocates work with young people in individual, small group, and family activities. Additionally, a major function of this service is to link the referred youth to resources in the community. Once a resource is located it is then the responsibility of the advocate to insure that the youth and his family are participating in these activities.

Under this model, case managers and advocates work closely to insure an individualized approach to each youth and that each youth is carefully monitored. It should be emphasized that intensive family outreach and monitoring is an alternative to residential or incarcerative placement.

An additional advantage is that over 80% of the homes from which delinquent youths come have more than one child present. This program therefore serves as a preventive influence on other at-risk youth in the home. The annual cost for intensive family outreach and monitoring is between \$10,800 to \$12,000. Since the youth placed in this program would ordinarily have been incarcerated, the cost compares highly favorably with the \$36,585 per year the state now spends to house the youth in the HYCF.

Supervised Independent Living

This program focuses on the the older adolescent who has been in the system for years and has likely lived in numerous residential and foster placements. These youths, because of their age and past delinquent histories, are not candidates for adoption and cannot return to their biological families. Although, many of them have known little more than failure and despair throughout their lives, when they turn 18 the state ceases to support them. For example, one staff member at HYCF recalled the recent case of a young women with no family and no home, being released from HYCF with a bag lunch and 45 cents in her pocket after she turned 18.

This program can serve as a logical follow-up for more restrictive residential care for the 16 and older age group that is in need of job placement, vocational training, GED preparation, etc. Living arrangements for the youth are determined by the individual case plan that is developed by the service agency in consultation with the referral agency. Youth in independent living may live alone, may live with another youth and staff, may live only with another staff, or might even need the supervision of two live-in staff. All these living arrangements are possible and can be developed if both the referring agency and the service provider are committed to the concept of individualized case planning.

The expectation for live-in advocates under the supervision of the case manager is that they provide ongoing supervision and training in the area of independent living skills, they expose the youth to relevant community resources, they maintain family contact if at all possible, and they assist the youth in becoming involved in more formalized types of treatment.

Ideally, youths move through the various phases to the point where they can be

maintained without live-in supervision, but with continued monitoring from a community advocate. At inevitable crisis times, such as loss of job, the case manager and advocate will increase the intensity of support and will often provide a short-term financial maintenance plan to sustain the youth. If necessary, the youth may be returned to live-in supervision to assure stabilization during crisis periods.

Supervised independent living can be purchased at a cost of approximately \$16,000 to \$20,000 per year.

Extended Family Homes

Extended Family Homes are similar to foster homes in that they are already existing homes in the community that contract to provide bed space for one to two children. These children are generally unable to stay with their natural families because of problems so severe that the referring agency feels a temporary break from the environment is essential for the child's ongoing development. They differ from traditional foster homes in that they receive a significantly higher stipend (\$300 to \$500/week), get regular respite care, have staff available to work with them at all times, attend regular training sessions, and are closely linked with the natural family whenever possible. In addition, if a child is able to eventually return to the natural family, the extended family home is available to provide ongoing respite for the natural family. In this way the natural tendency toward competition between natural families and foster homes is significantly reduced. Extended family homes should relate to the natural family in a manner similar to the way extended family relatives provide support to a natural family. This is often difficult and is one of the primary emphasis of training.

Extended family homes have advocates available to assist with the day-to-day operation of the home and to provide respite through the utilization of community resources and visits with the natural families. They are under the supervision of the case manager.

Extended family homes cost approximately \$18,000 to \$22,000 annually.

Staff Secure Homes

Staff secure homes are 3 to 5 bed facilities in the community that are specifically designed to serve those youth considered the most difficult to place. Many of these youth have experienced previous placement failures or have been institutionalized.

The major goal of staff secure homes is to provide unconditional care for youth regardless of the difficulty their behavior presents. Unlike institutional care there

are no locked doors or bars. Instead, security is maintained through a high staff to resident ratio combined with 24 hour staff supervision.

With the assistance of the case managers and program directors, the house staff also coordinate involvement of the youth with their natural family and community resources. Natural families are an essential part of the staff secure home's responsibility and are involved within the activities of the home whenever possible.

Movement out of the group living situation occurs as a result of the ongoing case review process conducted by the referring agency and the service provider. As with the other residential components, the ultimate goal is reunification with the natural family. However, if this is not a plausible option, then the supervised independent living option can be pursued.

Staff secure home care can be purchased at a cost of approximately \$20,000 to \$24,000 per year. Again this compares very favorably with the \$36,585 per year the state now spends on each youth at the HYCF.

Locked Residential Treatment

For youths who exhibit chronic violent or serious delinquent behavior, small, highly specialized, secure treatment facilities of no more than 10 to 12 beds should be provided. These residences should resemble a house more than a jail (windows can be made secure by nonbreakable glass or see-through materials rather than metal bars) and they should maintain a staff to resident ratio approaching one-to-one.

These programs maintain security through a combination of locked doors and constant staff supervision. However, unlike traditional institutional care, the number of residents is kept low to allow staff to become directly involved in the daily activities of each youth and to insure that individual attention is a priority.

It should be remembered that the more youth there are in a facility the more custodial it is likely to become. Once the number of youth in a program exceeds 15, the quality of services will begin to diminish.

The major element in enhancing a secure program's ability to positively impact the behavior of serious delinquent youth is to allow the youth to have some influence over activities in their daily lives. One technique commonly employed is contracting with each youth upon their arrival to accomplish particular tasks over a certain period of time to achieve specified rewards. This offers the youth the opportunity to exert some influence over their futures.

To maximize the program's rehabilitative effectiveness every attempt must be made to reduce the punitive aspects that often arise in locked facilities. Although the doors are kept locked and secured, the primary focus of the staff must be towards fostering a non repressive atmosphere where each youth is recognized as an individual.

Because of the high staff to resident ratio and their rehabilitative emphasis, these programs are slightly more expensive than traditional locked custodial care. Costs for small secure programs range between \$45,000 to \$50,000 per year.

V. SELECTED YOUTH IN RECOMMENDED PROGRAMS

I ain't never had no one to look up to, no one who could teach me the right way to act. My brother and father, they were into their own shit, I was arrested with my brother a couple of times...I asked my probation officer for a big brother, cause I needed somebody to look up to, someone who I could follow in the right footsteps. She said they was a waiting list. Before I could get one, I got arrested again.

-HYCF ward, committed to minority for repeat misdemeanor offenses

In the following section, NCIA has selected several youth who represent the range of those presently incarcerated at HYCF. A summary social history and recommended program along the continuum of care is presented. (Names used in this section are fictitious).

Patti

Patti is a 16 year old girl who was committed to HYCF for her involvement in a number of robberies on Oahu. She has served two previous "short-term" commitments for 30 days and 6 months respectively. At the time of the interview, Patti had served 16 months in the HYCF.

Patti's life is indicative of many of the youth confined at HYCF. She is the product of a broken home and has been the victim of constant physical abuse by her father. She currently suffers from enuresis (bed wetting), which suggests severe psychological stress. It appears as though little has been done to address this condition.

Patti initially ran away from home at age 12 to escape her father's physical abuse. For Patti, and for many female youth, this was her introduction to delinquent behavior and the juvenile justice system. She was subsequently committed to several residential programs which she failed to complete. It is evident that the probation department and juvenile court system exhausted all of the limited mechanisms at their disposal prior to her three HYCF commitments.

In her interview with NCIA, Patti's statements about her current situation and her future prospects reflect despair:

If these people would have helped me and my mother when I was getting into trouble, I wouldn't be here. One time, they tried to put me in a foster home, but I ran. Why can't they pay my mom to take care of me, why some stranger in a strange place? My life is gone, and I've got to work for the rest of my life now.

Intensive Family Outreach and Monitoring

Patti needs to be paroled to her home under intensive supervision by parole staff, coupled with intensive services by two community advocates. One such advocate should be a female "gentle gorilla", assigned to Patti's home for 20 hours per week initially, working with Patti and her family. This person should be a trained child care worker who is caring yet firm and who can intervene with equal skill with Patti, her siblings, her mother, and all of the systems (i.e., school, job search, etc.) with which Patti interfaces. It may be possible to reduce these hours to 15 per week after the first month, 10 per week after the second month, and so on.

The second advocate could be a person in the community who owns a business or occupies a supervisory position in a business in which Patti is interested. The Youth Advocates Program in Pennsylvania frequently finds such community persons who are paid a part time salary (perhaps 10 hours per week) to hire an at-risk child to work in his/her chosen field. The employer gets a worker and is provided a salary to offset training time, and the youth gets a valuable work experience. Once the youth is a viable worker, the employer's stipend is terminated.

Both the advocates and the parole worker should be aware that Patti and her mother may have a rough time of it at first, and that an emergency foster bed or group home bed needs to be available if the situation becomes untenable.

Patti also needs to be made aware of the ramifications of her illegal behavior on others. Her advocate or her parole officer should arrange for her to meet with a person who has been a crime victim, to openly and helpfully discuss what that experience is like. This could be Patti's actual victim (if that person is willing) or another interested victim. Patti should also be held accountable for restitution if that is an issue.

Mo

Mo is a seventeen year old boy, committed to HYCF to minority for three probation violations. One was for truancy, another for running away, and the third for breaking probation rules. Earlier he had been committed to a group home on Kauai, but was expelled for rule violations.

Mo's experiences with his father and step-father have been miserable ones. Mo's natural father left the family when Mo and his brother were very young because, says Mo, he "wanted girls, not boys." The father remarried three times. From his last marriage, five girls were born. The sixth child was a boy which he gave up for adoption.

Recently, Mo's stepfather abandoned his mother and two toddler sisters. They now subsist on General Assistance in a hotel on Waikiki.

Soon after his arrival at HYCF he was assaulted by some older youths who jumped him in the "club room." The YCO's, he said, "ignore fights between kids."

Extended Family Homes/Supervised Independent Living

Mo desperately needs the guidance of a positive male role model. Initially, he should be placed in the home of a single male child care worker who is paid a full salary to care for him. During his stay in this extended family home, his worker should help mend communications with Mo's mother, and work through some of the problems relative to Mo's paternal rejections.

It should be clear from the beginning that Mo is working toward eventual independence. Within 4 - 6 months, as Mo approaches age 18, he should obtain employment, seek his high school diploma or GED, and find an apartment. During this time, his residential worker can help Mo over some hurdles, from mundane items like filling out a lease, to more complex tasks like disciplining himself to study. Once the parole officer, advocate and Mo decide it is time, Mo can move into his own apartment. Initially, he could be supported 10 - 20 hours per week by his advocate, with these hours gradually diminishing over time.

Charlie

Charlie, the oldest of three siblings, is a sixteen year old, part Hawaiian boy from a

working class family on the Big Island. His parents divorced when he was 10, though they continued to live together. The following year he was arrested for a petty misdemeanor theft and diverted.

When Charlie was 14, his father left home. Soon afterward, Charlie appeared to be trying to ruin his reasonably good school record by failing to hand in homework he had completed and skipping classes. He reported much more serious misbehavior to his probation officer than school officials had recorded, further indicating attention seeking behavior. His mother, however, reported several occasions at which he threatened to seriously hurt her and himself. In addition he had begun to abuse alcohol, a condition encouraged by his overly indulgent paternal grandfather. This grandfather was also highly critical of Charlie's mother.

Charlie was placed at a local group home for several months. Though he adjusted exceptionally well in many ways, he was eventually expelled for becoming sexually involved with a female resident. He ultimately committed a probation violation and received a "short-term" placement in HYCF.

Wilderness Challenge Program/ Intensive Family Outreach and Monitoring

In lieu of a "short-term", "shock" commitment to HYCF, Charlie should be transferred into a challenging and positive wilderness program. Charlie has obvious abilities which he withholds when he wants to gain attention. If made aware of Charlie's situation, the wilderness program staff could use the experiential model to get Charlie to gain insight into his behavior in a natural and non-threatening environment.

If the work of the wilderness program is to "stick" and be translated into behavioral change in the community, Charlie will require follow-up services by a community advocate perhaps for 10 hours per week initially. This advocate can intervene in Charlie's family to address the paternal grandfather's contribution to Charlie's alcohol problem or to enable Charlie's mother to do so. The advocate could intervene in Charlie's school setting when Charlie begins to seek negative attention by withholding completed assignments. And the advocate could work with Charlie's mother to help her deal with Charlie's attention seeking behavior (be it suicidal gestures, minor delinquent behavior, or school problems) not by rewarding such gestures with motherly attention but rather by recognizing them for what they are and dealing appropriately with them. Alternately, Charlie's mother may need to realize that Charlie (and probably both of his siblings) must be provided with

pro-social ways to obtain attention.

Al

Al is a sixteen year old boy of Puerto Rican ancestry. He was committed to HYCF to minority for two counts of first degree burglary. He had previously been placed in shelters (twice) and at the Oahu Detention Home (four times) for behavior ranging from status offenses to two C felonies. His probation officer expressed concern that his parents were over-using the Detention Home as a way of controlling their son.

Al's commitment to HYCF followed three years of increasingly serious behavior, beginning with several incidents of being beyond his parents' control and culminating with an arrest on 4 counts of burglary, misdemeanor assault, misdemeanor terroristic threatening, and vandalism. As a first grader, Al was identified as having both academic and behavioral problems. Al tested in the borderline deficit range for overall intelligence and mildly retarded verbally. The psychologist recommended certification as learning disabled and, most importantly, finding ways that Al could experience success in areas other than academic ones. Truancy remained a problem throughout his schooling.

Al's father regularly abused alcohol and slapped Al's face or yelled at him as discipline. The father has been frequently unemployed.

Extended Family Home/Experiential Education Program

Al badly needs to experience some family stability if he himself is to stabilize. An appropriate extended family home must be located, preferably of Puerto Rican ethnicity, in which one parent is employed full time as a child care worker with one or two children, and the other parent is employed outside the home. This family should also be provided with a respite worker to allow them some free time away from their charges during the week.

Additionally, Al needs an educational experience at which he can succeed. An individualized, experiential education program, modeled after the Associated Marine Institute, would provide Al with a successful educational experience as well as some concrete, hands-on, work skills.

The goal in Al's case should be family reunification. This can be attempted in conjunction with the extended family program, by allowing Al to return home for

weekends at first, then during the entire week with one day at his extended family, and finally in permanent residence. In this way, Al's family can view the extended family program as a true extended family - one which helps out in times of need, and relinquishes control when appropriate. Caution should be taken to continually assess Al's family, so that he is not returned to an abusive household. If physical or mental cruelty do not abate through family counseling, Al's treatment goals should be modified.

Mark

Mark is a seventeen year old boy of Filipino descent. He was first referred to the Court in 1982 at the age of 11 as a Person in Need of Supervision (PINS) for failing to attend school. His father is described in the social study as being physically abusive to his children and wife. Mark's mother is described as being borderline mentally retarded and Mark himself recorded an I.Q. of 62. Several of Mark's older siblings have had court referrals by the time Mark was 11, generally for truancy.

As a result of this referral, Mark was placed into a foster home, the home's first foster child. Shortly thereafter, when he was refused money for candy, he stole \$10 from his foster parent, and was terminated from placement. Mark was also terminated from his next foster home placement when it was discovered that the foster parents were whipping him with plastic rod. During his placement at the abusive home, Mark stole a bicycle and tried to run away and return to his mother. For this, he was convicted for Theft 2° and placed in another foster home.

Mark adjusted well to this placement and was there for nearly two years. At the time, for personal reasons, the foster family with whom Mark had been living decided to cease being foster parents. Despite the fact that no progress had been made with Mark's family during this time, he was returned home.

Mark's family pattern of supporting his delinquency by allowing him to sleep at home instead of attending school resumed immediately. He was arrested for the theft of a mini-bike within six months of his return home. Mark was allowed to remain home after this incident. Approximately one month later, Mark and his father got into a fight over the family cat. According to family members, Mark's father was severely intoxicated at the time. The argument worsened, with Mark's father wielding four knives while he chased Mark out of the house. He actually hurled one at Mark, smashing the windshield of the family car. Mark responded by grabbing a "B-B" gun which his father owned and shooting him three times.

Against his father's wishes, Mark was charged with Assault 2° and placed at HYCF.

Return to the Family vs. Out of Home Placement

Mark's case exemplifies how a disjoint service system can contribute to delinquent behavior. During Mark's two year stay at a foster home, extraordinary efforts should have been made to reunite him with his family. As with Al, the goal at that time could have been family reunification, and Mark could have been assigned a community mentor to (1) ascertain the appropriateness of Mark's family for reunification and work toward that end and (2) provide respite services to Mark's foster parents to prevent "burn-out".

Now that Mark is nearly 18 and has been involved in such a violent episode with his father, the risk/benefit ratio of family reunification may be too high. Mark may be more appropriate for either a staff secure setting or supervised independent living. Either program should work toward both establishing an acceptable relationship between Mark and his family, and providing him with the educational, employment and life skills needed to live independently in the community.

George

George is a 17 year old youth committed to the HYCF until the age of minority for Criminal Property Damage 4° (a Petty Misdemeanor) and being Beyond Parental Control (a status offense). George's prior record consists of three misdemeanor convictions, one in October of 1985, one in July of 1987, and one in September of 1987. He had been in HYCF for only one week at the time of our interview and as such was still on close custody, requiring shackles at all times when he was outside of the "cottage." A review of George's record indicates a truancy and runaway history resulting in four Beyond Parental Control adjudications.

George reported (and his social study verified) that his father was an abusive alcoholic, and his mother fairly passive and non-involved. George had been previously ordered to attend school until age 18, although he admitted to skipping school in order to work on a construction job he had obtained. He also admitted to an alcohol dependency, as was noted in his probation report. He had been incarcerated after running away from home for nearly three months, during which time he lived on the beach, and supported himself through work and with the help of his auntie.

George stated that, when he was growing up, he had "no one to look up to." When asked what would have prevented him from committing law violations, he indicated that he wanted "a Big Brother, someone who I could follow in the right footsteps".

George evidence a flat affect upon interview, and became somewhat agitated when discussing some of the other youth at the facility. He reported that he is still at the stage at HYCF where he was being physically tested by the other youth, and already some gifts he had received from his family had been stolen. He reported that he was under particular pressure because he lived in a small town on Oahu and some of the Honolulu boys were picking on him as a result. He had not yet been programmed into school, and was assigned a job sweeping and mopping. George's plans for the future were to reunite with his girlfriend, get his GED, and work full time in construction.

Group Home Placement/Big Brother

George's offense history, which consists entirely of misdemeanor or status offenses, suggests that he is another youth who is institutionalized due the absence of other options. George appears to have an appropriate profile for placement in an already established group home for a three to six month period. Perhaps if George proved too difficult for group home placement, he could be provided with a community advocate to assist in his adjustment there. Such an advocate could also help with community readjustment upon release from the group home. In the alternative, George could be provided with a Big Brother who could meet his needs for a positive male role model.

George's goals should be to obtain his GED while in the group home, to reunite with either his family or his auntie upon his release, and to resume employment in construction. Finally, out of his construction paycheck, George should be required to pay restitution for his Criminal Property Damage.

Chris

Chris is a 17 year old boy who first came to the attention of the juvenile court at the age of 9 for being a runaway. Chris' prior adjudications include Burglary 1°, Assault 3°, Car Theft, several thefts and numerous status offenses and violations of probation. Chris was committed to HYCF until age 19 for a Robbery 1°.

As with many other HYCF youth, Chris is the product of a broken home, having no memory of his father. His mother, brother and aunt had been incarcerated on several occasions. Chris was the product of an extremely disjoint upbringing. Additionally, he was diagnosed as being learning disabled at age 9 and has chronic asthma.

This was Chris' third time at HYCF. According to probation records, toward the end of his last HYCF commitment, Chris was beaten severely by other wards and refused to report the incident.

Chris was an extremely bright and personable youth. He actively sought out NCIA's interview staff, and wanted to spend extensive time being interviewed. Chris reported that he wanted to be a computer engineer upon release, and the staff indicated that with his abilities, this was possible, provided that he could get his behavior under control and compensate for his learning disabilities.

Staff Secure Home

Chris is a boy with severe emotional, physical and educational problems. Conversely, Chris is extremely intelligent, and can be very personable. Because of the damage which has been inflicted upon Chris throughout his life, he is at the stage where he is striking back at society. For Chris' protection and the protection of society, he needs to be in a home from which he cannot run, which will hold him accountable for his behavior, yet which will not institutionalize him, allow him to be brutalized or allow him to brutalize others.

Such a program would be best achieved in a 3 - 5 bed, staff secure home in the community. This home would have a high staff/resident ratio, and the children in it would receive a high level of individual treatment. Chris would attend a special school, or an experiential learning program, to and from which he would be escorted by program staff. Evenings would entail group and individual counseling, tutoring, and staffed recreational activities.

This program would last from 6 - 9 months. From this program, Chris would be gradually released to the community, either through an extended family home, or through supervised independent living.

Jack

Jack is a 16 year old boy who was committed to age of minority when he was age 14. Jack had committed three bank robberies within two months by using a "B-B" gun. He has a prior record dating back to a PINS petition at age 10. Jack has committed a Theft 1°, a Burglary 2°, several drug offenses, and a prior Robbery 2°. Jack reported that he spent the money from his offenses on cocaine and travel to the mainland.

Jack's father abandoned his wife, Jack and his sister when Jack was 9 months old. Jack's mother, her live-in boyfriend, and a girlfriend that lived with Jack's family, all have criminal records.

Jack himself had been tried in numerous out of home placements including a psychiatric facility. Jack is above average in intelligence. Jack is also assaultive to other staff and wards. Jack's angry outbursts were prevalent at home as well. According to Jack's mother, these outbursts are closely associated with his use of cocaine.

Locked Residential Facility

Jack is one of the few HYCF wards who requires locked custody. His problems are excessive and violent in nature, and he has been shown to repeatedly use violence. Presently, he is virtually abandoned at HYCF. He does not get along with other staff or wards, has been incarcerated for two years, and has no intention of applying for parole. He is comfortable in his setting, and his intention is to "max out" two years from now at age 18, rather than to "let them mess with my head" by applying for parole. If Jack is untreated, he will be a dangerous individual at the time of his release.

Jack should be placed in a small locked facility, with a high staff/resident ratio. His psychiatric problems should be addressed, and he should not be allowed to become comfortable with his incarceration. An individualized program should be developed to bring about Jack's rehabilitation as much as possible during his confinement. This should include but not be limited to educational and vocational opportunities, in-depth individual and group counseling, and a concrete plan for working toward parole. Jack should be given recreational rewards and enhanced privileges for advancements in programming. If Jack is deemed amenable to community reentry, such reentry should be gradual, starting with a staff secure setting, moving to an extended family home either with a family or individual, and advancing toward independent living. At present, Jack will be incarcerated for four

years and be released to the community with virtually no skills or motivation to lead a law abiding life. A graduated release program, preceded by locked custody, would provide for maximum public safety both during and after Jack's period of incarceration.

VI. IMPLEMENTATION OF THE COMMUNITY-BASED CONTINUUM OF CARE APPROACH

Most of us see Koolau as our failure to find any other options.

- a Family Court Judge

Overview

It is the opinion of the National Center on Institutions and Alternatives that the State of Hawaii is ripe for juvenile justice reform. Almost all of the youth in custody are highly appropriate for immediate community placement. The justice community is educated about the philosophy and action steps required and the programs which need to be established. The legislature is focused on HYCF. The respective state departments appear supportive and the judiciary is very interested in a community-based system. In short, the impetus for reform is in motion.

Under such circumstances, NCIA would normally recommend immediate deinstitutionalization. However, there are several logistical realities which militate against immediate reform. First, the state will shortly be entering the second year of its biennium budget. It appears highly unlikely that the budgetary reshuffling required to fund the necessary programming could be realized while the legislature is out of session. Indeed, the timing of this report will allow the Department of Corrections sufficient time to formulate its budget to reflect community contracting and to present that budget to the legislature in time for the 1989 session.

Secondly, the Interdisciplinary Committee will be forwarding its recommendation as to the locus of juvenile corrections to that same 1989 Legislature. As such, the 1989 Legislature will have the opportunity to formulate a well designed and adequately funded community-based juvenile justice system for fiscal year 1989 - 90.

However, in order to maintain the interest and momentum for change which has developed, NCIA recommends that the state act immediately to develop several aspects of a community-based system. As such, we present our recommendations for both short-term developments and long-run change.

Short-term Effort (July 1, 1988 through June 30, 1989)

The short-term effort should include beginning to build the continuum of care, implementing a process of speedy and careful placement of youngsters, and developing effective programs. Underlying these recommended actions are the principles of flexibility, public safety, and care.

Begin building a community-based system

Over the next year, the National Center on Institutions and Alternatives strongly recommends that the state of Hawaii begin to develop community programming which can evolve into a full continuum of care treatment system. Toward that end, we offer the following recommendations:

- Use of existing programs for early parole.

Cost: \$72,000

Start up time: 3 months

Number of youths affected: 6

Average Daily HYCF Beds Saved: 3

Annual Cost of HYCF Beds (@ \$36,585 each): \$109,755

Hypothetical Net Savings: \$37,755

There was a strong feeling among most judges and probation staff interviewed that contract programs should be required to take court referrals. Those interviewed felt that while children were waiting for placements or being rejected from placements, they would often reoffend, necessitating an HYCF commitment.

Fourteen percent of our sample were committed for probation or parole revocations, 28% for misdemeanor offenses, and 14% for C (the least serious) felony charges. A full 60 children were incarcerated for non-violent offenses, and of the 29 youth incarcerated on a violent offense, only 16 had committed felonies. While we do not contend that all of these children could fit into existing community programming, it appears that a certain amount of "creaming" is occurring, which the state should find a way to discourage.

It is our belief that by immediately paroling some of the youth who scored lower on

the point scales into community programs, a conservative 3 beds could be saved over the next year. If 6 youth were granted parole 6 months earlier than they normally would have been, the state would have to purchase 36 months worth of residential programming. At approximately \$2,000 per month, this totals \$72,000.

- Initiate two of the community-based programs recommended in Chapter Four - a wilderness program and an intensive family outreach and monitoring program.

Wilderness program

Estimated Cost: \$120,000
 Start up time: 3 months
 Number of youth affected: 60 "short-term" commitments
 Average Daily HYCF Beds Saved: 5
 Annual Cost of HYCF Beds (@ \$36,585 each): \$182,925
 Hypothetical Net Savings: \$62,925

Intensive family outreach and monitoring program

Estimated Cost: \$216,000
 Start up time: 3 months
 Number of youth affected: 18 youth committed to minority
 Average Daily HYCF Beds Saved: 9
 Annual Cost of Beds (@ \$36,585 each): \$329,265
 Hypothetical Net Savings: \$113,265

NCIA specifically recommends these two programs as demonstration projects for fiscal year 1988 - 89 for three reasons.

First, the population of children at HYCF would be highly amenable to these programs. Many of the youth committed to minority could be paroled much earlier than they are presently if they were given intensive support at home. Many of the short termers could be transferred into a 30 day wilderness program for service of all or part of their sentences, especially if such a program were followed by an after care plan.

Second, these programs could be started very quickly, once funding is made

available. Both of these programs could be serving children after three months.

Finally, the start up costs for these programs are within reach. If the state were to provide some seed money to the Department of Corrections, it is NCIA's belief that pilot program funding from private foundations would be readily attainable.

- **Contract with Private Agency to Provide Alternative Placement of Youth**

Estimated Cost: \$200,000

Start up time: 3 months

Number of youth affected: all 84 youth placed into the programs above

In order to implement the programs recommended above, assure their fullest use, and decrease the HYCF population as safely as possible, NCIA recommends that the Department of Corrections contract with a private agency to place HYCF youth in the recommended programs as quickly and safely as possible.

Appropriate and timely placement of the HYCF wards during the first year will require a vigorous commitment to and understanding of the continuum of care concept. Though NCIA found widespread support for the idea of deinstitutionalization among public and private sector representatives in Hawaii, we also heard expressed a myriad of reasons for the continued over-reliance on HYCF, all of which point toward institutional inertia. For example, some blamed managerial or line staff while others spoke of Hawaii's cultural barriers to incisive action on the part of any bureaucratic leadership.

Such institutional inertia is not unique to Hawaii. Those responsible for similar changes in Massachusetts, Utah, and now Maryland and Florida had to devise their own approaches to it. All of these states brought in outside assistance to develop community placements because existing correctional staff did not have the expertise or motivation to place children in the community.

In Hawaii's case, the likelihood of ACLU litigation requires speed, yet the needs of the citizens of the state require that special care be taken to assure the highest degree of public safety. Only individuals with the experience of implementing a continuum of care can assure both the necessary speed and care.

Additionally, in conjunction with HYCF parole staff, a private agency could carefully track and monitor all youth placed into community settings for a prescribed period of time (perhaps 120 days for "short-term" commitments and 1 year for minority

commitments.). In this way, the director of the Department of Corrections can call on any given day at any time to inquire about the exact location and status of an HYCF youth under community custody and receive an immediate answer. An example of the tracking system currently being utilized in the state of Maryland for 150 youth recently placed into the community can be found in Appendix H.

- **Plan long-term continuum of care implementation**

Ongoing planning of full implementation of a continuum of care should take place during the first year. An existing consortium such as the Interdisciplinary Committee could be given that charge. It should be well staffed, involve key legislators, agency leadership, and private program representatives. It should clarify its mission and define the goals of a continuum of care, prioritize programs needed, establish staffing needs, determine the relationship of HYCF to the family courts and the Departments of Social Services, Education, and Health, identify ongoing funding sources, e.g. AFDC, Indian Child Welfare Act, and Title 20, determine methods of data collection and ongoing program evaluation, and set a timetable for full implementation of a continuum of care.

Plans developed during this period need to be incorporated into the Fiscal Year 1989-90 budget for juvenile corrections.

Long-Term Effort - Beyond 1989

The long-term effort should include strengthening the position of state juvenile corrections in the overall state government, filling out the continuum of care (including replacement of HYCF) and honing the process of placement of youngsters and development of programming. As noted above, the underlying principles here are flexibility, humane care, and public safety.

- **Create a Division for Youth**

The reforms recommended in this and previous reports require that a position of leadership be created to direct those changes. NCIA recommends creation of a Division for Youth wherever HYCF is administratively placed.

Two observations undergird our recommendations, both of which have been voiced

by official state bodies. In the Legislative Conference Committee Report Number 59, it is stated that a "corrections department may not have the full range of social services staff nor the proper philosophic atmosphere to provide [educational, vocational, social counseling, and other rehabilitative] programs." (State of Hawaii, April 1987, pp. 2-3) The Juvenile Justice Interagency Board reported that reforms of HYCF recommended earlier have not been implemented primarily because the Department has been involved in attempting to meet the court-ordered reforms in the adult penal system. (Juvenile Justice Interagency Board, January 1988, p. 19.) Both of these explanations are understandable. As long as the adult system is under court order and the juvenile system is not, and those in the adult system far outnumber those in the juvenile system, DOC's attention will focus primarily on the adult system. Therefore, Hawaii needs a top management post devoted entirely to the needs of the juvenile offender.

The Director of a Division for Youth would work not only to improve programming at HYCF, but also to (1) develop the parts of continuum of care programming not presently available, (2) build cooperative relationships with the circuit courts and the Department of Social Services concerning use of those programs, and (3) place HYCF youngsters in them as quickly as possible. Additionally, such a division head should serve as a spokesperson for the system reforms which are occurring.

- **Restructure Funding**

In fiscal year '89 - '90, NCIA recommends that the funding structure of the HYCF be changed to a voucher system for most of the youth in its custody. Such a system would allow broad flexibility for placing children into appropriate programs without dramatically increasing the budget for the youth division. This can be accomplished essentially by limiting the custodial staff to those needed to operate the locked facilities and retraining existing custodial staff to occupy vacant positions within the Department of Corrections or other state departments (There are presently a great many unfilled positions in the Department of Corrections. These positions are currently covered with staff overtime, a highly stressful and costly means of staffing correctional facilities). Alternately, these staff could be retrained to work with former HYCF wards in the community. The remaining money which is currently allocated to staffing facilities and providing sustenance for wards can be redirected to purchase services for youth.

At the present time, the HYCF has a \$3 million budget and a capacity of 82 children. This translates to an annual cost per child of \$36,585. If there were 15 children in

locked custody at \$50,000 per child it would cost \$750,000, leaving \$2.25 million with which to program roughly 65 - 80 children. At a rate of \$28,100 - \$34,600 per child per year, the programs recommended in Chapter 4 could easily be operated within an annual budget of \$2.25 million.

- **Complete the Continuum - Fully Develop a System of Care for Youth Otherwise Committed to HYCF**

By July of 1989, if the recommendations forwarded herein are completed, the juvenile justice system will have had 6 - 9 months of experience with community programming, community providers accustomed to working with delinquent youth, a division head committed to assuring public safety through quality care, and a funding structure which will allow that division head to match individual needs to individual programs.

The time will be ripe to fully develop a range of community-based programming. By far the largest group of those incarcerated at the HYCF are committed for non-violent offenses with no history of violence. It has been shown that the most effective means of treating such youth is in the communities in which they reside. Seventy to eighty community-based slots should be purchased, including programs such as intensive family outreach and monitoring, independent living, extended family homes, enhanced educational and vocational programs and wilderness challenge experiences. Unlike an institution-based system, these programs possess the type of flexibility which will allow them to be distributed throughout the state.

The majority of the community care beds should be contracted out to allow for maximum flexibility. Contracts need to be carefully reviewed and monitored by the state, every 90 - 120 days initially, and periodically thereafter.

This will be a critical time in the development of a community-based system. Programs will be competing for government dollars, some staff will resent the changes, and the community will watch apprehensively. It behooves the division to very carefully match the needs of the youth with the individual program, to recognize that all program failures do not require institutionalization, to firmly evaluate the success or failure of private providers and to cease funding programs which cannot pass muster. This is another juncture at which the state may seek the assistance of outside consultants either to place and monitor youth initially until the division develops a system to do so, or to train division caseworkers on the "art" of community-based placements.

Once the division is established, its director should move quickly to issue requests for proposals (RFP's) to operate the desired programs. The RFP's answered and the contracts awarded, the division should begin to move children out of custody and into placement one at a time. This can be accomplished either through parole (for minority commitments) or transfer (for "short-term" commitments).

Each child should then be carefully tracked, using a system similar to Appendix H. Program failures must be individually evaluated, with a presumption for continued community placement. There will be a great temptation during this period to revert to institutionalization for "time outs", or as punishments for recalcitrant youths. This temptation must be resisted. Line staff and community programs must hear the message that institutionalization will only be used in the most drastic of cases, and that the standard of least restrictive alternative consistent with public safety will be strictly followed.*

In this way, NCIA estimates that the HYCF population could be reduced to at most 12 boys and 3 girls within 6 months. Once the decision to deinstitutionalize was made in Maryland, the 150 bed Montrose School was emptied in less than five months. (See article attached as Appendix H)

- **Renovate HYCF Buildings for Youth Needing Locked Custody**

It is clear from the data that, by the standards of the Hawaii juvenile justice system and three other states, locked custody is being over-utilized in Hawaii. In addition, based on the future population predictions, it appears as though the need for secure custody will not increase dramatically over the next 15 years. From the data presented above the following conclusions can be drawn:

- Twelve locked beds for boys and 3 locked beds for girls on the grounds of the current HYCF.

As noted, 11 (according to the Delaware scale), 7 (according to the Massachusetts scale), or 5 (according to the Florida scale), boys were rated as requiring secure (not necessarily locked) settings at this time.

* There is little doubt that, during this process, some staff will have to be moved to other positions and some programs defunded. The division director needs to be given authority and support for such decisions.

We can assume that, with a viable continuum of care system in place, some of these children would have progressed into staff secure custody or community custody. We can also assume that an offsetting number of those scoring in lower ranges would be deemed appropriate for locked settings. Despite the fact that only 11 boys at worst were determined to require locked settings, 12 beds are needed in order to account for 10% fluctuations in the confined populations (see Appendix D). We caution against over-construction since excess custodial beds tend to be filled regardless of their necessity.

As for the girls population, no scale rated more than 2 girls as presently needing secure custody. With structural modifications, the unoccupied staff cottage at HYCF seems to be an ideal location for a small locked facility for those few girls requiring such confinement.

It is NCIA's recommendation that the Department charged with the custody of the HYCF population should itself operate the locked custody facility.

- Twelve staff secure beds in 3 small facilities ranging from 3 - 5 beds in size and with a high staff/resident ratio. These facilities should be physically distributed throughout the neighbor islands as well as on Oahu.

The scoring system which gives the best guidance concerning intermediate placements appears to be the Delaware system. Seventeen boys and 2 girls scored from 6 - 9 points, indicating consideration for staff secure settings. Seven of these boys and 1 of the girls had served over 9 months, the time prescribed by the Delaware system for children in this point range. Based strictly on the 6 - 9 point range, approximately 10 boys and 1 girl score as needing staff secure custody. Again, in an effort to provide for flexibility and assuming that some of those who scored in lower and higher ranges might be deemed appropriate for staff security, we have recommended 12 staff secure beds.

Staff secure custody could be operated by a state agency, it could be contracted to a private, non-profit, or a combination of both.

- **Design 6 Additional Beds:** Design, but do not build, a 6 bed facility to be constructed if necessary either at the present HYCF site or on a neighbor island. The number of persons in the 15 - 24 year old age group is expected to increase dramatically over the next ten years, and then diminish to current levels over the next twenty years. (See Appendix D.) No one can say for certain what impact this will have on the adjudicated population. As such, it behooves the State to prepare for construction should the additional beds become necessary. A six bed boys facility could be quickly constructed, once designs have been prepared. Further, additional beds could be added to the vacant staff cottage for girls should that become necessary.
- **Demolish present facilities:** Olomana and Kaala cottages are antiquated, depressing and dangerous structures. Their old style, prison yard design contributes more to a criminal self-concept than to the rehabilitation of young people. NCIA staff could think of no useful purpose to which these buildings could be put. As they become vacant we recommend that the state demolish them. The land on which they presently stand might be utilized for another purpose or might provide useful revenue if sold.

APPENDICES

APPENDIX A

Persons Interviewed by NCIA

Peter Adler, Program on Alternative Dispute Resolution, Oahu

Dennis A. Arakaki, Representative, House of Representatives, State of Hawaii

MaryLou Barela, Director, Hale Opio, Kauai

Bonnie Brooks, Chief Probation Officer, Maui

Carolyn Brown, Deputy Public Defender, County of Honolulu

Bob Cambra, Assistant Director, Hale Ho'omalua (Detention Home), Honolulu

Meda Chesney-Lind, Criminologist, University of Hawaii

Bud Cook, Waiakea YWCA

Harold Falk, Director, Department of Corrections

Dan Foley, Attorney, American Civil Liberties Union

Bonnie Grimmell, Therapeutic Foster Homes Program, Catholic Charities

Dennis Higashi, Police Department, Kauai

Lanric Hyland, Criminal and Juvenile Justice Consultant, San Francisco

Ryan Jimenez, County Prosecutor, Kauai

Laraine Koga, Administrator, Resource Coordination Division, Office of the Attorney General

Maryanne Kusaka, Administrative Assistant, Office of the Mayor, Lihue, Kauai

Ken Ling, Director, Family Court of the First Circuit

Mike Luxton, Department of Human Concerns, County of Maui

Marlene Maneha, Department of Human Concerns, County of Maui

Charles Marsland, Prosecutor, County of Honolulu

Creighton Matoon, Chief Psychologist, Hawaii Youth Correctional Facility

Wayne Matsuo, Ombudsman, State of Hawaii

Ron Menor, Senator, Senate, State of Hawaii

Georgia Meyer, Department of Human Services, Kauai

Jack Minton, Assistant Director, Hale 'Opio Kauai, Inc.

John S. Nuha, Mental Health Association of Hawaii

Herb Okemura, Major, Juvenile Crime Prevention Bureau, Honolulu Police Department

John R. Ono, Prosecuting Attorney, Hawaii County

Helen Onoye, AFDC Administrator, Department of Human Services

Jerry Reardon, John Howard Association

Barry Rubin, Professor, Chaminade University of Honolulu

Shinobu Sato, Administrator, Hawaii Youth Correction Facility

Shena Sandler, Wilderness Hawaii, Honolulu

John Shinkawa, Community Services Administrator, Hawaii Youth Correction Facility

Jeff Smith, Salvation Army Treatment Facility for Children & Youth, Honolulu

Kengo Tokata, Director, Department of Education

Ed Tonaki, Director, COYSA, Oahu

Martha Torney, Youth Services Officer, Department of Corrections

Mililani Trask, Attorney, Honolulu

Betty Vitousek, Presiding Judge, Family Court of the First Circuit

John Wong, Legislative Aide, Office of Senator Clayton Hee

Erleen Yokoi, Resource Coordination Division, Office of the Attorney General

Groups With Which NCIA Met

Cottage Directors, Hawaii Youth Correctional Facility

Division Directors, Department of Corrections

Hawaii Youth Services Network

Judges, Family Court, First Circuit

Olomana School Staff, Department of Education, Hawaii Youth Correctional Facility

Youths, Hawaii Youth Correctional Facility

APPENDIX B

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APPENDIX C

RESEARCH BACKGROUND

Management Audit, Legislative Attention, and Possible Litigation

In December of 1986, the Legislative Auditor of the State of Hawaii published the Management Audit of the Hawaii Youth Correctional Facility (henceforth "the Audit"). The Audit was highly critical of the Hawaii Youth Correctional Facility (HYCF). The report pointed to the lack of a clear mission, particularly relative to the issue of whether institutionalization was meant as a punishment or in an effort to rehabilitate. The auditors also found a critical and disturbing lack of well defined policies and programs relating to rehabilitative services. At that time, HYCF was a facility operated by the Division of Corrections, under the Hawaii Department of Social Services and Housing (DSS&H).

Based on criticisms leveled in the Audit, in June of 1987, the American Civil Liberties Union (ACLU) initiated an investigation of possible abuses at HYCF. Following discussions between the ACLU and the Department of Corrections, it was agreed that a study of HYCF would be in order. Through funding from the Edna McConnell Clark Foundation, juvenile justice consultant Paul DeMuro performed a ten day analysis of Hawaii's system, examining a broad range of issues including HYCF, detention, and organizational placement of HYCF. (DeMuro, September 1987)

In the meantime, legislative attention had been increasingly focused on the area of corrections, largely due to severe overcrowding and a consent decree in the adult area. In July of 1987, the Hawaii Department of Corrections was formed, with Harold Falk as its acting director. Numerous hearings were held by the 1987 Hawaii Legislature regarding the placement of HYCF prompted both by the Audit and by the newly forming Department of Corrections. At issue was whether to place the HYCF under the jurisdiction of the Department of Social Services and Housing, the Department of Corrections or the Family Court. Through SB 5, which later became Act 338, it was directed that HYCF be placed under the jurisdiction of the Department of Corrections for a two year period ending June 30, 1989. The Legislature simultaneously established the Interdisciplinary Committee charged with the task of evaluating the appropriate placement of youth corrections within the juvenile

justice system. This committee is to report back to the 1989 Legislature.

Committee Attention and Study

At the same time, there are several other committees which relate to the fate of the juvenile justice system and the children in its custody. The Juvenile Justice Interagency Board (JJIB) was established in 1980 pursuant to passage of Act 303. Act 303 was designed to clarify the mission of youth corrections in Hawaii. The focus of the legislation was to reaffirm the notion of rehabilitation for juveniles. Additionally, however, Act 303 introduced the concept of punishment into the process and offered little guidance as to how to reconcile these conflicting goals.

The 1987 Legislature passed House Resolution No. 206, which charged the already established JJIB with the task of formulating "plans to develop within the Family Court System a comprehensive juvenile justice system, including the youth corrections function." The JJIB responded to that resolution in part through its "Report on the Placement of the Youth Corrections Functions within the Juvenile Justice System," in January of 1988. The primary recommendations of this report are that the HYCF remain with the Department of Corrections and be given division status.

Additionally, in 1983, the Department of Social Services and Housing, the Department of Health, and the Department of Education formed the Tri-Agency Committee to better coordinate the internal operations of the HYCF. Presently, Corrections is responsible for the custody of youth at HYCF, Education is responsible for their schooling, and Health for the provision of physical and mental health services. The HYCF Policy and Planning Committee, consisting of members from the Department of Corrections, Department of Health, and the Department of Education, Family Court, League of Women Voters, and the general community, is helping evaluate the mission of HYCF and developing programmatic goals to achieve that mission.

From 1985 to 1986, the Hawaii Crime Commission (later, the Hawaii Criminal Justice Commission) produced two important juvenile justice reports. The Waiver of Juveniles in Hawaii noted that, although an average of 15 young persons were waived to adult court per year during the period from 1973 to 1985, "no formal changes in the current waiver laws ... need be made." (Hawaii Criminal Justice Commission, August 1986.) The Serious Juvenile Offender in Hawaii concluded that juvenile crime in the state of Hawaii has been decreasing for a decade, with the

majority of the offenders being one or two time property offenders. The study also noted however, that there are a core of juveniles who commit the majority of juvenile crime. Despite the fact that the Commission was focusing on the most serious juvenile offenders (as rated by offense severity or frequency), it concluded that "special intervention" should be required for these juveniles that does not necessarily require a locked facility:

The court's final disposition, including intermediate responses and final sanctions, should be a multi-faceted one. These interventions and sanctions might include: individual or group therapy, mental health or family counseling, intensive supervision by probation staff, mandatory commitment to special treatment programs, placement in foster care or appointment of a "special friend" to provide emotional support from someone outside the system, or any number of other responses. Both traditional and experimental approaches should be tried and both existing and new sanctioning options should be utilized.

In December of 1983, the Department of Social Services and Housing, Research and Statistics Division, provided population projections to the Corrections Division, mathematically predicting the population of the HYCF into the year 1993. The Division's predictions estimated that there would be 129 wards in the HYCF at the time of this study (April 1988). In fact there were 80 children in custody on April 4, 1988, with another 10 on parole.

Philosophical Perspective of Secure Bed Need Estimates

In March of 1988, the National Center on Institutions and Alternatives (NCIA) was retained to estimate the secure bed needs of the HYCF. At the time of this research, there was a clear philosophical consensus among the decision makers in Hawaii that locked facilities ought to be reserved for those who truly need to be locked up, and that a continuum of care, ranging from locked custody through smaller, staff secure settings to intensive, in home services, could be better utilized to meet the needs of youths committed to the HYCF. Indeed, in a Department of Corrections' memorandum dated October 1, 1987, it is stated that the expansion of community-based services and a tracking system (known as "continuum of care") as described in the DeMuro report was a sound idea.

In January of 1988, Vincent Schiraldi, a member of NCIA's research team, travelled

to Hawaii and attended a joint hearing of the House Committees on Human Services and Judiciary. At that time, the findings in the DeMuro report were presented. Mr. Schiraldi elaborated on the continuum of care concept. The meeting was attended by many of the key juvenile justice decision makers from the Departments of Corrections, Education, and Health, the Family Court, numerous private agencies and service providers along with legislative members of both committees. The comments about the continuum of care concept and the reduction in the number of secure beds were overwhelmingly positive. A deep concern for assuring both humane care and treatment of adjudicated children and public safety was evident throughout.

NCIA's perspective in this study has been that, by moving most children out of locked custody who are currently confined due to a lack of other options, into a range of intermediate services, public safety can be enhanced. In addition, the end of rehabilitation can be furthered. This perspective, which was shared by most of those interviewed, renders our secure bed estimates qualitatively and quantitatively different from those previously forwarded.

Organizational Issues

As noted above, the State of Hawaii is presently devoting a great deal of attention to the issue of juvenile justice. One of the key questions currently under consideration is the administrative placement of HYCF.

Regardless of where the HYCF is located administratively, however, the need for program coordination among the relevant departments and the Family Court is paramount. Our proposal will detail an enriched level of programming for youth now placed in locked facilities. Under the present organizational structure, such programming would be under the jurisdiction of the Department of Corrections and organizationally unavailable to children placed on probation by the court. As many of those interviewed have pointed out, this could lead to the unfortunate situation of Family Court judges needing to place children in the custody of the Department of Corrections in order to have them eligible for a desirable program. Such a situation could obfuscate the advantages of the continuum of care concept by placing an undue burden on the "deep end" of the system.

As such, while this project was commissioned by the Department of Corrections, it is NCIA's hope that these recommendations be used as the basis for a comprehensive juvenile justice plan. Under a coordinated system, enriched services would be made

available to other state departments on a contractual basis. The details of such an arrangement need to be determined by the respective government entities. However, given the spirit of cooperation which we have encountered and the well established communication system evidenced by the various interagency committees, we are hopeful that such agreements would prove both sensible and attainable.

Methodology

From March through April of 1988, NCIA researchers reviewed numerous documents relative to Hawaii's juvenile justice system (Please see Appendix B). NCIA staff reviewed the social studies for all youth under the custody of the Department of Corrections. Additionally, the custody classification system and dangerousness rating system utilized by the HYCF staff was examined.

From April 4th through 15th, three NCIA staff members travelled to Hawaii to conduct a series of interviews. NCIA staff interviewed all youth confined at HYCF at the time as well juvenile justice personnel throughout the state (Please see Appendix A). NCIA staff toured the HYCF, Hale Ho'omalua (the Detention Home in Honolulu), the Adolescent Unit of the State Hospital, and numerous private, non-profit youth programs.

The primary reason for interviewing HYCF wards was to individually assess the entire in-custody population for their appropriateness for community placement. NCIA utilized secure bed rating systems from three states to determine the number of secure beds required. In addition, each youth was evaluated to determine the types of programs that need to be developed in order to enhance the level of service and further rehabilitative ends.

Simultaneously, key personnel were interviewed in order to discern the potential for acceptance of a community-based model in Hawaii. NCIA staff were struck by the care and concern evidenced for the treatment of troubled youth. Unlike the vengeful response which correctional issues can so often elicit, those interviewed understood the necessity of informed decision making in this area and were generally convinced of the wisdom of having a full range of sentencing options with which to respond to adjudicated youth. The two notions -- establishing a continuum of care service system and reducing locked facility needs -- cannot be separated, since the bed count will necessarily be tied to the adequacy of treatment available in the community. As such, the appropriateness of the youths for

community treatment and the willingness of the players in the system to embark upon an innovative course of treatment were essential to discern simultaneously.

APPENDIX D

GENERALIZABILITY OF THE SAMPLE

NCIA cautions that there is no absolute method to guarantee that today's HYCF population is representative of either past or future cohorts. The number of youths presently confined is simply too small to carry statistical significance. Data on previous populations are virtually impossible to gather, thus we are limited to a sample of the type utilized in this study. In any case, the policy recommendations included herein render any such prediction a "whole new ballgame."

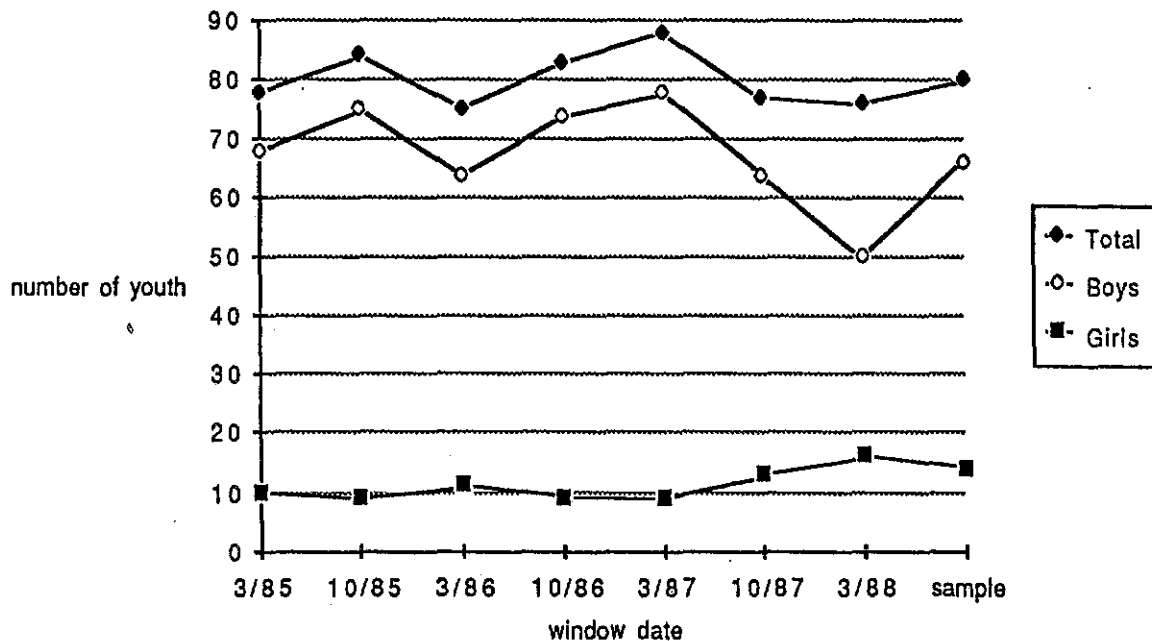
These data are presented in an effort to show that today's population is at least reasonably reflective of history and may represent future populations. The programs and secure bed recommendation provided in the main body of this report are purposely flexible to allow for future adjustments.

With these limitations in mind, the sample on which this study is based is composed of all of the youths either detained at HYCF or those on parole from HYCF during the week of April 4 - 8, 1988. During that period several youth arrived at the facility, some serving relatively short terms left, and one transferred from locked custody to parole.

This sample was chosen as the best means of addressing the charge of this study: to determine which of those youngsters who might be incarcerated at HYCF in the future should instead be placed in less restrictive settings, and which need locked custody. The extent to which this sample is representative of HYCF populations in the recent past or over the next ten to fifteen years can be estimated by (1) comparing various characteristics of the sample with prior samples and (2) taking into account what factors influence the size and nature of a given prison population such as statewide population trends and public policy.

By examining a "snap shot" of the HYCF population every six months over the past three years, we can see that HYCF population fluctuations have not been extreme. In March of 1985, the HYCF population was 78 compared to a population of 80 at the time of our study. During this period, the in-custody population was as high 88 and as low as 66.

NUMBER OF YOUTH AT HYCF ON SELECTED DATES IN 1985, 1986, 1987, AND 1988



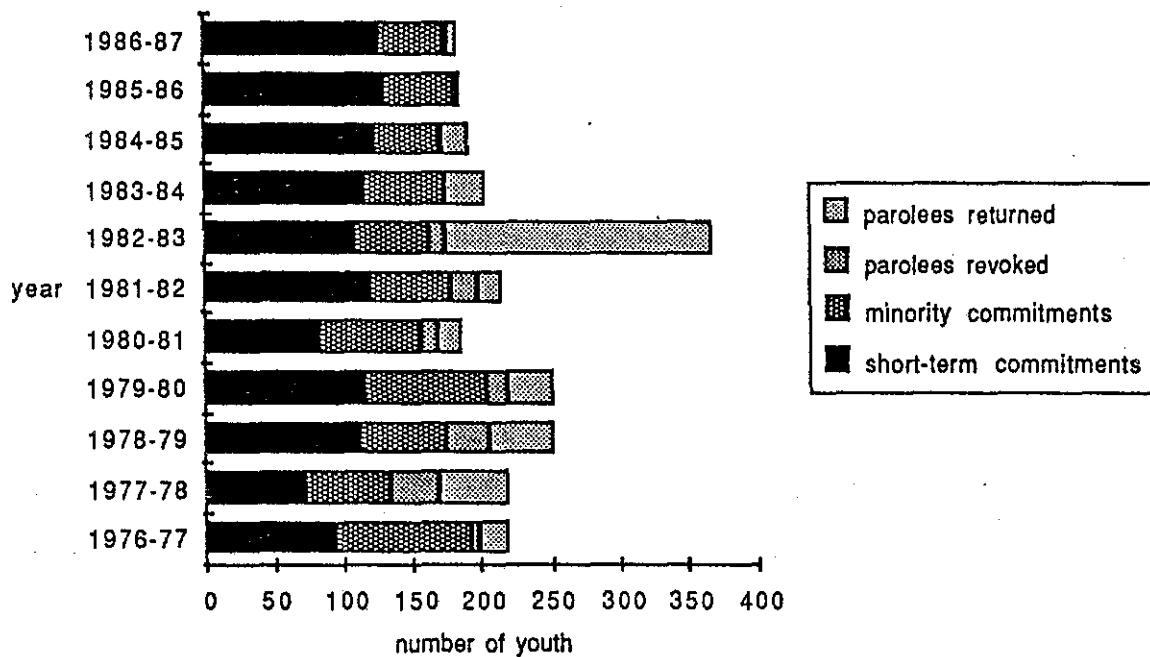
The high of 88 represents a population 10% greater than today's population. From this data, a 10% random population fluctuation can be roughly estimated.* As such, our bed space recommendation of 12 for boys and 3 for girls is designed to account for random HYCF population fluctuations.

While the HYCF population on a given day has remained fairly steady over the last three years, the composition of that population has changed somewhat. HYCF intake data illustrate those changes.

* NCIA cautions against making hard and fast conclusions from such a small sample size.

In the decade between 1976-77 and 1986-87, the HYCF experienced a mean average annual intake of 208.3 youth, ranging from a low of 186 in 1985-86 and 1986-87 to a high of 252 in 1978-79. During this same period, HYCF intake of youth on "short-term" commitments averaged 109.2 per year, with a low of 70 in 1977-78 to a high of 131 in 1985-86. Commitments to age of minority averaged 64.9 youth per year, ranging from a low of 48 in 1984-85 to a high of 97 in 1976-77. During this period, the average daily population has decreased from 110.5 to 93.81.

HYCF Intake
(1976-77 through 1986-87)



Though almost twice as many youth sent to HYCF each year are "short-term" commitments as opposed to longer term minority commitments, minority commitments make up roughly 75% of those at HYCF on a given day. This is because children committed to minority generally stay longer.

Table N
 PERCENTAGE OF YOUTH HOUSED AT HYCF BY SENTENCE TYPE
 ON SELECTED DATES IN 1985, 1986, 1987, & 1988

<u>Window Date</u>	<u>Waived</u>	<u>To Age 19</u>	<u>Minority</u>	<u>Total Long-Term</u>	<u>"Short-Term"</u>	<u>Total*</u>
sample	2.5%	10.0%	60.0%	72.5%	27.5%	100.0%
2/29/88	4.5	9.1	59.1	72.7	27.3	100.0
9/28/87	3.9	15.6	60.0	79.5	19.5	99.0
3/2/87	2.3	15.9	62.5	80.7	19.3	100.0
9/29/86	1.1	18.8	58.8	78.7	21.2	99.9
3/3/86	2.7	13.3	64.0	80.0	20.0	100.0
9/30/85	3.6	20.2	63.1	86.9	13.1	100.0
3/4/85	1.3	28.2	52.6	82.1	17.9	100.0

*Percentages may not total 100% because of rounding error.

Again, we would note that the recommended 15 locked beds, 12 staff secure beds, and range of community options are amply flexible to provide for unpredictable commitment fluctuations.

Different from changes in HYCF population fluctuations but as important in predicting bed needs are statewide changes in the juvenile population. According to Table O between 1985 - 1995, the 15 - 24 year old age cohort in the general population is expected to double. This suggests that, in the absence of systemic change, the incarcerated population is expected to rise. In preparing the predictions based on today's population, NCIA has considered the impact of an overall increase in the state's juvenile population. It should be further noted that by the year 2005, the 15 - 24 year old age group is expected to return to close to 1985 levels.

Table O
RESIDENT POPULATION PROJECTIONS FOR THE STATE OF HAWAII
FOR THE YEARS 1985, 1995, AND 2005
(in thousands)

<u>Age Groups</u>	<u>1980</u>	<u>1983</u>	<u>1985</u>	<u>1995</u>	<u>2005</u>
0 to 14	226	237	238.1	260.4	265.8
15 to 24	192	186	193.5	388.2	198.6
25 and over	547	595	626.2	562.9	845.6
Total	965	1,018	1,057.8	1,211.5	1,310.0

Source: Department of Planning and Economic Development, State of Hawaii Data Book - 1985, November 1985.

In addition to a doubling of the general population between ages 15 and 24, the appearance of armed youth gangs could have some impact on juvenile corrections bed needs in the coming years. NCIA recognizes the seriousness of the increase in violent youth gangs. As such, our recommendations have accounted for this factor. For example, many of the programs described here work well with violent youthful gang members in cities such as Chicago, Boston, and Miami. It is because of both the expected 1995 general population increase and the potential gang situation that we have recommended a design of 6 locked beds in addition to those indicated by today's HYCF population.

Aside from such random fluctuations and statewide trends, several policy choices have affected the HYCF population over the past three years. A few notable changes are:

- The increase in the number and proportion of youth on parole is clearly related to a decision to make greater use of parole, following an inspection of HYCF by the ACLU and the release of the DeMuro

report, both of which pointed out the underuse of parole.

- The increase in the number and proportion of youth sentenced as "short-term" commitments reflects a decision by the courts, following the release of the sharply critical HYCF Audit, to reduce long-term commitments to HYCF.

These statistical and policy changes indicate a very important point for Hawaii -that the size of the HYCF population is within the power of the Hawaii juvenile justice system to control. It is not a runaway train, requiring legislative allocations for new tracks. Rather, to extend the analogy, it requires a more sophisticated tracking system to divert the population onto more appropriate routes.

APPENDIX E

BACKGROUND OF CONTINUUM OF CARE CONCEPT

A Summary of the Institution-based System

In 1846, the first juvenile training institution in the United States was opened in Lyman, Massachusetts. At the time it was hailed as a landmark reform, since prior to its opening it was the common practice among all state governments to house youthful offenders as well as neglected and dependent children in adult prisons. Due to the brutality and abuses that occurred as a result of this practice, nineteenth century social reformers lobbied state and local governments to create institutions solely for the housing of youth. Their desires soon became reality as other states quickly rushed to create their own institutions. By 1900, 36 states had established what became known as youth training schools.

These nineteenth century institutions have been the backbone of most state juvenile justice systems for the past 142 years, and they have dominated conceptions on how policies should be framed. Correctional institutions are predicated on the notion that rehabilitation can be achieved in a highly structured, isolated environment where rewards and punishments can be quickly applied. Theoretically, in this coercive, secure, and isolated setting the individual can be taught proper modes of behavior. In addition, institutions are seen as a means of impressing upon an individual the notion that anti-social behavior is not tolerated and can result in severe consequences. Once these lessons are learned, the child is then returned to the community.

Unfortunately this strategy has not proven effective in reducing delinquent behavior or promoting public safety. Many experts assert that housing large numbers of delinquent youth in large secure institutions is actually criminogenic. Such institutions alienate the youth from society and foster the development of a criminal self-concept. Very little in the form of meaningful rehabilitative services can be provided since the overwhelming concern of the staff is in maintaining order and control. Hawaii's HYCF is no exception. As pointed out by numerous wards of HYCF and others during interviews with NCIA, violence, manipulation, and idleness are part of the daily routine.

The dubious effectiveness of institutions continues to be confirmed by research that consistently finds recidivism rates among institutional releasees, as measured by rearrests, approaching 80%. According to a 1984 study of HYCF recidivism rates by the University of Hawaii's Youth Development Research Center, "seventy-five percent of all the 570 discharges were rearrested at least once; 54 percent were reconvicted and 33.3 percent were recommitted to either HYCF or, more likely, an adult correctional facility."

A recent study by the Massachusetts Committee on Criminal Justice concluded that less restrictive settings were more effective in reducing recidivism among violent repeat juvenile offenders than were highly secure settings. According to the State researchers:

The data indicate that violent recidivists actually increase the seriousness of their crimes when subjected to a secure setting. Perhaps such a setting only serves to make the individual more frustrated and he thus reacts even more violently upon release. The pent-up frustrations manifest themselves in future violent acts.

Juvenile Justice Policy: A Reconsideration

These findings along with others have led many policy makers to reconsider current practices and examine new strategies. For example, the Hawaii Crime Commission in their study entitled the "Serious Juvenile Offender in Hawaii", highlighted the following points on strategies for treating the serious juvenile offender:

These strategies emphasize comprehensive programs of alternative sanctions or multi-phase programs, which are at least in part community-based, and provide long term oversight and treatment of the juvenile without long term incarceration. These include: individualized treatment plans (often beginning with incapacitation in a secure facility but leading gradually to community reintegration); providing consistency in sanctioning by increased severity upon reoffending; close management (including maintaining consistency in personnel); strengthening non-system support networks (by involving the family in treatment and encouraging relationships with positive role models), building up the juvenile's self esteem (through incremental increases in responsibilities with positive

reinforcement); providing remedial, general, and vocational education aimed at making the juvenile employable (and perhaps aiding in finding actual employment); and structured recreation (ranging from wilderness and survival training to group sports).

Criminologist Robert Coates (1981), a researcher in the field of community-based corrections, has found that the reduction in criminal behavior is directly related to a program's ability to positively penetrate the social networks to which each youth must eventually return.

Additionally, noted juvenile justice expert Lloyd Ohlin (1986) has concluded that if society is to derive any benefit from its investment, rehabilitation and reintegration must be the primary goals of juvenile justice policy. Rehabilitation implies imbuing offenders with pro-social attitudes and behavior patterns, while reintegration is the process by which they learn to apply these lessons in the community. Achieving these goals necessitates a continuum of programs that are varied and flexible and specifically designed to achieve these ends.

Closing Institutions: Experiences of Other States

Following a series of scathing reports on brutality within its juvenile facilities, in 1971, the State of Massachusetts closed all of its institutions for sentenced youthful offenders (beginning with the Lyman School) and shifted to a community-based service system. At that time the Massachusetts Department of Youth Services confined over 1,000 youths in its secure institutions. By 1973 this number was reduced to only 132 youths -- 13 percent of the original number. The remainder of the youths were placed in a network of small residential and non-residential programs operating in communities throughout the State.

Following the Massachusetts example, Vermont closed its one juvenile training school in 1979 and moved to a non-institutional system. Shortly afterwards, in 1980, the State of Utah closed its single 400-bed facility and reduced the number of youths in secure detention to 60.

Currently, the states of Maryland and Florida are in the process of deinstitutionalization. Maryland recently closed one of its two large training schools and is now closing the other. Florida has closed two of its four institutions and is in the process of closing the third. In addition, the states of Colorado, West Virginia, Oregon, Pennsylvania, North Dakota, Texas, Louisiana, New Jersey, and Delaware are now

considering moving in this direction.

Community-Based Programs: Impact on Crime Rates

The ability of well-designed community-based programs to more effectively achieve the goal of public safety continues to be confirmed by the research. For example, a 1978 study by Coates, Miller, and Ohlin of the Harvard Center on Criminal Justice found that recidivism rates in Massachusetts were lowered in areas where community-based programs were fully implemented.

Regions that most adequately implemented the reform measures with a diversity of programs did produce decreases in recidivism over time, as did those programs reflecting a higher degree of normalization on the institutional-normalization continuum.

In 1972, 40% of the inmates incarcerated in the Massachusetts adult correctional system were graduates of the juvenile justice system. By 1987, this figure had fallen to an astounding 15%.* This is a figure that most states cannot come close to matching.

In addition, in 1987 the National Council on Crime and Delinquency (NCCD) completed an evaluation of Utah's community-based youth correctional system. After a careful examination of the data, NCCD concluded that Utah's community-based programs were more effective in promoting public safety than the institution-based system that preceded it. According to NCCD:

The recidivism data for Youth Corrections offenders strongly indicate that the imposition of appropriate community-based controls on highly-active serious and chronic juvenile offenders does reduce the incidence of subsequent criminal behavior.

It is important to note that the NCCD researchers also found that for those youths who did recidivate, the crimes for which they were arrested were less severe than those for which they were originally adjudicated. Therefore, not only did the community programs in Utah reduce the number of crimes committed but also their level of severity.

* In most adult prison systems across the nation, a standard 40% of the prisoners are juvenile system graduates.

APPENDIX F

SCORING INSTRUMENTS AND RELATED INFORMATION

MASSACHUSETTS' INSTRUMENT

I. Identifying Data

Client _____ Case No. _____ Region _____
D.O.B. _____ Height _____ Weight _____ Race _____
Parents _____
Address _____

Complete one: (A or B)

A. If Committed/Re-committed:

Commitment Date _____ Court _____ Judge _____
If Re-committed, original commitment date _____.

B. If Revocation Disposition Order:

Date Hearing Completed _____ Hearing Officer _____

Client Currently Held at _____
Unit Address

Referral Category: (check one)

_____ Mandatory A	_____ Revocation Disposition Order
_____ Mandatory B	_____ Transfer Hearing, Part B (authorized by Commissioner)
_____ Optional	

Instant Offense(s):

Cicumstances of Offense(s):

MASSACHUSETTS CLASSIFICATION GRID

CLASSIFICATION OF OFFENDERS BY OFFENSE
AND OFFENSE BEHAVIOR

OFFENSE CATEGORY	AGE LIMIT	TIME ASSIGNMENT
MANDATORY REFERRALS: CATEGORY A Murder: First Degree Murder: Second Degree Attempted Murder Voluntary Manslaughter Involuntary Manslaughter Homicide by Motor Vehicle	13-16 years	A minimum of twelve months to a maximum indeterminate stay. Length of time subject to periodic evaluation by treatment staff and legislation, mandating release at age eighteen years, unless extension is granted by the court.
MANDATORY REFERRALS: CATEGORY B Armed Robbery Assault and Battery with a Dangerous Weapon (causing serious bodily injury) Arson of a Dwelling Place Kidnapping Possession of a Firearm Sexual Offenses (involving victim)	13-16 years	A minimum of six months to a maximum of fourteen months possible. The length of time will be based on an examination of the circumstances associated with each individual case. Case conference can lead to early release or extension of maximum.
OPTIONAL REFERRALS: Any juvenile whose offense behavior presents a risk and danger to the community and/or to himself/herself or who exhibits a persistent and escalating pattern of delinquency.	14-16 years	A range of months between a minimum of four months to a maximum of twelve months. Case conference can lead to early release or extension of maximum.
REVOCATION REFERRALS: Any juvenile who has violated his/her Grant of Conditional Liberty as determined by a Revocation Hearing and referred by the Hearing Officer.	14-17 years	A range of months between a minimum of four months to a maximum of twelve months. Case conference can lead to early release or extension of maximum.

The Classification Grid shown above shall be used for all juveniles committed or recommitted to DYS and those whose liberty has been revoked to determine whether or not such juveniles will be referred to the Classification Panel for possible placement in security.

DELAWARE'S INSTRUMENT

INITIAL SECURITY PLACEMENT INSTRUMENT

Date: _____

File #: _____

Score: _____

1. Name _____
2. D. O. B. _____
3. Date of Current Commitment _____
4. Current most serious instant offense which resulted in adjudication and present commitment. _____
5. Most serious prior adjudicated offense (against person). _____
6. Number of prior felony adjudications. _____
7. Open felony charges Yes ___ No ___ Specify _____
8. History of In-patient psychiatric hospitalization
Yes ___ No ___

I. Severity of Current Offense
 Class A Felony (10 Pts) _____
 Class B Felony (7 Pts) (See Attached) _____

II. Most Serious Prior Adjudication
 Class A Felony (5 Pts) _____
 Class B Felony (3 Pts) (Exclude Escape) _____

III. Number of Prior Adjudications for
 Felonies - Three or More in Last
 Two Years (5 Pts) _____

IV. Prior Out of Home Court
 Ordered Placement as a Result
 of Adjudication for Delin-
 quent Act Yes (1 Pt) _____
 No (0 Pt) _____

TOTAL _____

FLORIDA INSTRUMENT

DANGEROUSNESS

1. Present alleged offense is a :

_____ First Degree Felony THE CHARGE IS _____

Score 6 points for first degree : SCORE= _____

_____ Second Degree Felony THE CHARGE IS _____

_____ Third Degree Felony THE CHARGE IS _____

Score score 1 point each for second and third SCORE= _____

2. The alleged offense required the victim to receive medical attention.

YES NO If yes, explain _____

Score 1 point for yes, and "0" for no SCORE= _____

3. The alleged offense involved an overt THREAT of physical harm to another person.

YES NO IF yes, explain _____

Score 1 point for a yes answer and "0" for no. SCORE= _____

4. How many adjudicated felonies does the alleged perpetrator have during the last 2 years?

Score 1 point for two (2) or more and "0" for less than 2 SCORE= _____

5. How many adjudicated violent felonies does the alleged perpetrator have during the last 2 years?

Score 1 point for 2 or more and "0" for less than 2 SCORE= _____

TOTAL SCORE FOR DANGEROUSNESS = _____

Six (6) or above = high dangerousness
3-5 = moderate dangerousness
below 3 = low dangerousness

APPENDIX G

PERSONS TO CONTACT FOR ADDITIONAL INFORMATION

Larry Brown
President
70001 Training and Employment Institute, Inc.
Washington, DC
(202) 484-0103

Allen Collette
Director
Homeward Bound Program
Brewster, Massachusetts
(617) 896-3312

Karl Dennis
Director
Kaleidoscope, Inc.
Chicago, Illinois
(312) 278-7200

Tom Jeffers
President
Youth Advocates Program
Harrisburg, Pennsylvania
(717) 232-7580

Robert Weaver
Associated Marine Institute, Inc.
Tampa, Florida
(813) 963-3344

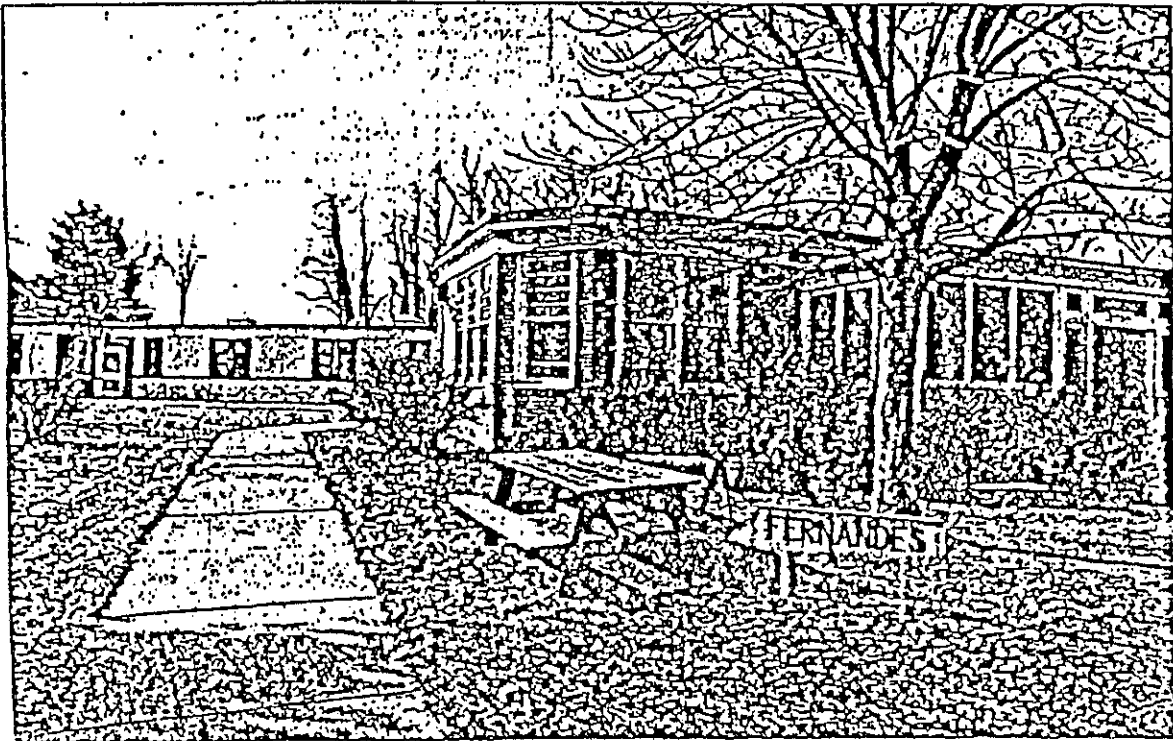
APPENDIX H

THE CLOSING OF MONTROSE SCHOOL

The Evening Sun

BALTIMORE, THURSDAY, FEBRUARY 18, 1988

LAST GASP FOR MONTROSE



By William C. Hots Sr. — Evening Sun Staff

Fernandes cottage and other Montrose School buildings are silent now that most children have left.

School's remaining problem kids await placement

By Michael Wentzel
Evening Sun Staff

In a barren and claustrophobic isolation room at the Montrose School, the 14-year-old boy waited for his time alone to expire.

His temper tantrums and threats to staff had earned the boy the move into isolation. He was the only occupant in the unit where nine cinderblock rooms stood empty.

The boy, who has the broad shoulders, cupped biceps and thick hands of a powerful man, mumbled his complaints. Anger flared in his eyes. As he talked, he turned his face

and large tears fell from his cheeks.

He was one of the few committed as delinquents who remained on the 656-acre Montrose campus in Helisterstown that has come to look like an abandoned village with boarded-up windows, vacant cottages and silent streets.

A year ago, 270 young boys and girls with complex and often frightening problems crowded into Montrose, which Gov. William Donald Schaefer ordered closed by March. By the end of this week, only eight boys and one girl will remain.

"Imagine how these last ones feel. They

feel like the lowest of the low-life," said David E. Tracery, project director for the National Center for Institutions and Alternatives, or NCIA, a private organization hired by the state to find treatment programs for the most difficult youths at Montrose.

The defeated and spooky atmosphere at Montrose, which first opened in 1886 as a school for girls, clearly has affected the staff and the youths who live there.

"It's getting eerier all the time," said Robert J. Harrington, Montrose superintendent.

See MONTROSE, A14, Col. 1.

Doomed institution is giving up last problem kids for placement

MONTROSE, From A1
dent. "Montrose is a corpse that needs to be buried. We've had the wake. Now, let's close the casket."

On Jan. 4, 29 juveniles remained at Montrose. The number dropped to 19 a month later. The state wants everyone placed out of Montrose by March 18.

This last group of boys and girls to leave Montrose demonstrates the demands faced in the move to close the institution and shift treatment of delinquents into the community. These are complicated, difficult and stubborn cases that often combine issues of mental health, family and criminal behavior.

The NCIA staff, for example, has yet to find a place for a 14-year-old boy with learning disabilities, as well as behavior and a history of heroin addiction.

Montrose was a "dumping ground," Tracey said. "If you still had Montrose, you wouldn't have to come up with any new ideas to deal with a kid differently."

Committed to Montrose from Baltimore about a year ago on theft charges, the 14-year-old boy sent to isolation troubled the staff because of his explosive and sometimes violent behavior. A number of treatment programs in Maryland refused to accept him.

State officials have persuaded Edgemead, a residential treatment center and school in Upper Marlboro that specializes in emotionally disturbed adolescents, to take the boy in a program that will cost the state about \$3,900 a month.

Tracey and his staff selected the Hennepin County Home School in Minnetonka, Minn., for two other teen-agers from Baltimore whose offenses included rapes and sexual assaults of close relatives. The program will cost \$4,500 a month each.

"There are no long-term residential programs in Maryland that are secure and provide bona fide treatment for sex offenders," Tracey said. "We have worked hard to keep everyone in the state. Of the 109 we placed, only 13 will go out of state."

The Maple Shade Residential Home on the Eastern Shore developed a treatment plan for a 12-year-old boy from the city described as "destructive and unpredictable." Abandoned by his mother, the boy will receive specialized foster care, tutorials and counseling plus other services at a cost of about \$10,000 a month.

"These kids have all been abused and harmed along the way," said Tracey. "If you listen to them, you'll hear one horrible tale after another. It has become generational. The problems these kids have, their parents had. And it was handled in the same way. We are trying to break a cycle and a mentality that says that institutions are the only place for these kind of kids."

Each boy and girl at Montrose cost the state about \$35,000 a year. Critics have long said the money provided little help or therapy for the children sent there.

The only way we can break the cycle is to treat these kids like they were our own," Tracey said. "Where would you send your kid — to Montrose or to one of the community programs? Sometimes it sounds like a lot of money to spend to put a kid into a community program but believe me, it will be money well spent."

Officials of the Juvenile Services Administration said they have not added up the cost of placing those at Montrose in other programs but estimates run as high as \$2 million. It cost \$10 million a year to operate Montrose and officials said the school needed \$15 million in improvements.

As the boys and girls moved out of Montrose, the state also shifted staff, some of whom had spent many years at the institution. As of this week, 195 out of 255 Montrose workers found other jobs in JSA or other state agencies. About 50 employees face a layoff.

"The people who are still here are extremely anxious and somewhat frustrated," said Harrington, a veteran of 20 years with the state who has been superintendent at Montrose for almost two years.

"You got people who are hurt, who have no place to go. Many are

living from paycheck to paycheck," he said. "Many felt state employment was forever. You may not get paid the most but it was a steady job."

The state offered a number of employees jobs in Western Maryland and on the Eastern Shore but they

refused to leave the metropolitan area, the superintendent said.

Evelyn McCarter, an official of the American Federation of State, County and Municipal Employees, said the union is investigating several complaints from Montrose workers about job placements.

"There is a certain amount of ap-

per," said Harrington. "Some of the staff are skeptical of the new policy. They question whether kids are better off outside the institution. You can treat juveniles in the community as long as the community doesn't rebel."

Harrington has shut down 10 of

Montrose's 11 cottages. He has started to organize plans to move the voluminous records of all the juveniles who have passed through Montrose. After the official closing in March, 15 people will have the lonesome job of living at Montrose and watching over the property.

"The only question then is what happens to the property," Harrington said. "There's been talk of a training academy for prison correctional officers. We had people here looking at the property from a Christian college and someone who wants to make it an equestrian center."

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