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Alternatives to Juvenile Detention

National Center for School Engagement

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Alternatives to Juvenile Detention:
Effective Strategies for Working with Truant Youth

Many judges are frustrated by a lack of choices and lack of evidence about what works in dealing with chronic truants. Often, when other efforts fail, juvenile detention is assigned as a last resort. This document provides ideas for interventions other than detention – interventions that hopefully will minimize, or even preclude, the need for such an extreme measure. It recommends a dual approach – the combination of sticks and carrots, sanctions and rewards. Ideally, rewards should be meaningful to the child, and sanctions should be geared toward a positive goal such as career planning or academic catch-up and should be determined according to the needs of the particular child.

The general approach advocated here is based on our experience evaluating truancy reduction programs across the country and on what many program managers and social workers have learned from years of working with truants. Many of the specific, creative ideas included here originate from those programs and from what judges recently reported in a national survey of truancy sentencing practices (Heilbrunn 2006). Additional information about many truancy reduction programs may be found in our Truancy Program Database which is available for browsing on the National Center for School Engagement website, www.schoolengagement.org.

Why not use detention?

There are two main drawbacks to the use of juvenile detention for truants: the potential for doing more harm than good and cost. Negative outcomes can sometimes result from grouping delinquents together and from exposing non-delinquent to

delinquent youth. Such grouping provides a ready means for young people to share bad habits. Just as parents seek to isolate their children from delinquents in the neighborhood or school, so should society seek to isolate truants from the delinquent youth in detention.

Many judges assert that the threat of detention is a powerful deterrent to potential truants. Although no research that we know of has attempted to measure that deterrent effect, it seems likely that some, and perhaps many, youth would indeed be frightened enough by the possibility to maintain fairly good attendance. Children whose truancy is mostly mischievous in nature, who are not too far behind academically, and whose school attendance is within their control may fall into this category. However, neither detention nor the threat thereof can solve the problems of students who face serious impediments to school attendance, such as unmet mental or physical health care needs or fear of violence on campus. Nor can either one make a child appreciate the value of education. Furthermore, there is a risk associated with a first detention stay. Once juvenile detention has lost its fear factor, it will cease to deter not only truancy, but delinquency as well. The deterrent argument leads to two inherent conclusions. One, the sooner truancy is addressed the better, because attendance will be more within the realm of the student and parents' control, and two, the less detention is actually used, the greater its deterrent effect is likely to be.

A second drawback to detention is its cost; the average price of one day in detention was $135.4 in 2001 (American Correctional Association 2002). If a few days in detention are not adequate to scare a student into attending school, many days are not likely to achieve the purpose either. Yet some detention stays for status offenses including truancy run into the hundreds (Snyder and Sickmund, 1999).

The reason for such long detention stays is unclear, but may be related to the fact that judges report using detention for reasons other than punishment of an offense (Heilbrunn 2004; Heilbrunn 2006). It is often used as a means of accessing mental health services, providing shelter, protecting the child from himself or others, and as a means of detoxification, all because more appropriate residential settings are full. It is a sad reflection on our values that we are more willing to fund jails to house our children than services to heal their emotional injuries. Setting up more appropriate channels would be less expensive and more efficient in addition to being more humane.

There is a third and equally important reason for using approaches other than detention for truants. It is not enough merely to get a child back into a seat in school. The child must become *engaged* in school, feel like a part of the school, understand its importance, and be motivated to do the schoolwork, otherwise he or she is not likely to learn much from the classes. Many truants have significant problems in their home lives that do not necessarily become apparent in a courtroom. Such difficulties include poverty, mental health issues or parents with mental health issues, parents who work such long hours that they can provide little guidance, younger siblings or children of their own to care for, or the death, illness or incarceration of a family member. It is no surprise that children who face such challenges are not focused on school. Punishment may make a child less willing to skip school, but will not address any of the underlying troubles that impede school attendance and adopting school success as a personal value. The approaches advocated here are geared toward promoting school engagement, rather than simple punishment of an offense.

Judges need collaborative systems in order to avoid the use of detention.

Imposing strict sanctions requires a system – a system that relies on cooperation between police, probation departments, and detention centers. Providing effective support services requires a system as well – one that incorporates social service agencies, mental health providers, and school personnel in addition to the court. Once a system is in place, it is much easier to get children the services they need. Therefore, many of the alternatives to detention listed in this document require some degree of cooperation with other agencies, most frequently the school and social service or child welfare agencies. Although creating cooperative arrangements among agencies that have not worked together before may seem daunting, once a need is widely recognized, it may not be as difficult as it seems. A number of resources are available to help.[1]

What makes an effective intervention?

- First, a thorough assessment of each child's situation and needs, combined with…
- … the supports necessary for the child to focus on school. Then add…
- … rewards for improvement – carrots! And…
- … sanctions for lack of effort – sticks!

A judge alone cannot assess the often hidden and complex reasons behind a child's truancy. Help is needed, preferably from a trained social worker who could be affiliated with the school, the local social services department, or a community organization.

[1] The American Bar Association has recently launched a focus on truancy and has begun with an excellent document on establishing truancy reduction programs including forming coalitions – see Pennington and Barnes, 2006. For a specific example based on the program in Jacksonville, Florida, see Heilbrunn 2005. In addition, an Internet search will yield many documents that offer tips on building community-wide cooperation regarding a wide variety of issues other than truancy, many of which may be helpful.

Once a child's problems have been identified, a variety of services must be available to correct the underlying causes of truancy. Perhaps the most effective method of organizing a collaborative system of supports is to create a formal Truancy Reduction Program. Depending on the services already available in the community and the level of interagency cooperation that can be built, a Truancy Reduction Program (TRP) may be little more than an organizing structure, or a referral agency, for accessing those services in an efficient manner. If few services are available, an effective TRP must provide the services as well as make referrals.

A number of structures are possible. A student may receive assessments and services before ever being sent to court, in which case court involvement will be a last resort. Alternatively, cooperation with assessment efforts and participation in services may be offered after an initial court referral has been made, as an alternative to a court appearance. A third alternative is for a judge to order cooperation with an assessment and referrals during a court appearance. Regardless of which structure best suits local needs and preexisting systems, there are many alternatives to sending a young person to juvenile detention, all of which are far less expensive.

Once problems have been identified and supports are in place, a system of rewards and sanctions, or carrots and sticks, will have a reasonable chance of success. Listed in the first table below are a number of orders a judge could give, other than juvenile detention. Some of them require the cooperation of other agencies such as the child's school, or the local community college. They are thoughtful ideas that promote a specific, positive goal geared toward getting a child, or in some cases a family, back on track, able and willing to participate in school. Each one is part of current practice in

courts around the country. Some of them are rather standard practices such as drug testing, but others are more creative. Each intervention was reported by at least one, and generally more than one judge who participated in the "Best Practices in Sentencing Truants" survey.[2] They are grouped by the overarching goal the sentence supports.

Meaningful Alternatives to Detention That Can Be Court Ordered, Grouped by Goal		**Support, Stick or Carrot?**
Require student to focus on desired future and how to get there:		
	Tour juvenile detention facilities	Stick
	Tour area jails or prisons	Stick
	Tour local community college and prepare freshman course schedule using college catalogue	Support
	Require student to prepare a job/career plan and learn about the educational requirements of that plan	Stick
	Prepare a budget to match the income from a full-time minimum wage job	Stick
	Essays on career goals or on the student's skills, strengths and interests and how they might apply to a career	Stick
Academic supports and alternatives:		
	Tutoring	Support
	School sign-in sheets	Stick
	Modify school schedule to incorporate classes the student is happier with, or remove the student from a least favorite class or teacher	Carrot
	Modify school schedule to meets student's work or health needs, including a part-time option	Carrot
	Saturday school to avoid losing credit in current classes, or summer school to catch up to grade level	Support
	Alternative learning programs, potentially including residential programs	Support
Community or school engagement:		
	Join a school club or team	Carrot
	Join a community activity	Carrot
Parent involvement:		
	Require parent to attend school with child	Stick
	Weekly meeting with student, parents, and a teacher or school administrator or counselor, with or without the judge	Support
	Court review hearings with parent participation required	Stick

[2] Results of the survey are described in Heilbrunn, "Sentencing Options for Truant Youth," forthcoming on the NCSE website.

	Family counseling	Support
	Parenting classes for parents of the student, or for teen parents when appropriate	Support
Mental health services:		
	Mental health evaluation for the student and/or parent	Support
	Counseling for the student	Support
	Drug testing	Support
	Substance treatment program	Support

The second table presents a list of more generic sticks and carrots. They do not necessarily support any specific goal, and some of the incentives are more appropriate for truancy reduction program use than court use, but they serve to motivate young people.

Alternative sanctions – Sticks	**Alternative rewards – Carrots**
Restrict student's driving privileges	Gift certificates to local stores or restaurants
Take away cell phone	Tickets to sports events
Ankle monitoring	Recreation center coupons
Community service	Movie coupons
Curfew	After-school activities or parties
Probation	For younger children, a trip to the zoo
Saturday school	A rewards ceremony
	Lots of encouragement
There are many more possibilities – be creative!	

Hopefully, this document has served to inspire other creative ideas that fit individual children's needs and local capacities. The list of creative ideas is unending; most important for the child is ongoing support and encouragement. Young people with severe challenges cannot resolve those issues during several weeks of a truancy reduction intervention, let alone in a weekend detention stay. They need continuous monitoring, encouragement, and reminders of how important an education will be to their futures.

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The National Center for School Engagement (NCSE) is an initiative of The Colorado Foundation for Families and Children (CFFC). NCSE strives to build a network of key stakeholders who share the belief that improving school attendance and school attachment promotes achievement and school success.

National Center for School Engagement

NCSE was established as a result of more than a decade of educational research about youth out of the educational mainstream conducted by CFFC. The impact of this work has been the development of significant investments of state funds to reduce suspensions expulsions and truancy. Over five years ago, CFFC began working with the OJJDP, US Department of Justice to assist in the planning and implementation of pilot demonstration projects across the country. As projects developed, CFFC became the national evaluator of this five-year truancy demonstration project.

The culmination of ten years of program experience and research has identified truancy and school engagement as the centerpiece of NCSE's work to improve outcomes for youth who are at the greatest risk of school failure and delinquency. We are national leaders in applying research to help communities prevent and reduce truancy.

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