

IV. ROLE OF DETENTION

A. Definition of Detention

The lack of a cohesive detention philosophy in the community was identified as a significant issue in stakeholder interviews. Reaching agreement on the definition and role of detention is the first step in adopting a unified policy guiding the purpose and use of detention. The National Juvenile Detention Association offers the following definition of detention:

...the temporary and safe custody of juveniles accused of conduct subject to the jurisdiction of the court who require a restricted environment for their own or the community's protection while pending legal action.

Juvenile detention provides a wide range of helpful services which support the juvenile's physical, emotional, and social development. Juvenile detention also provides for a system of clinical observation and assessment that complements the helpful services and reports findings (to key decision-makers).

National Juvenile Detention Association

Key Terms within the Definition

Breaking this definition down into the following key terms helps highlight the essential characteristics of the detention function as viewed by the NJDA.

- Temporary custody
- Safe custody
- Restricted environment
- Community protection
- Pending legal action
- Helpful services
- Clinical observation and assessment

B. Types of Detention

Another way to look at the roles of detention is to view it in the context of its prevention and therapeutic functions.

1. Preventive Detention

- Goals:
 - Assure availability for the court process
 - Prevent harm to the offender, family and/or community
 - Prevent further re-offending during the legal process

2. Therapeutic Detention

- Goals:
 - Diagnosis and observation
 - Initiate rehabilitative process
 - Facilitate successful re-entry to community

C. Detention as a Process

A broader view of detention is to characterize it as a process, that is the act of providing care, custody, and restrictive supervision – not just the place.

Detention as a process becomes a *series of alternatives within a continuum of care*:

- Assumes availability of a range of options and services beyond the secure detention facility
- Assumes capability to match level of restrictiveness to detention needs/risks of the offender

Example Continuum of Care

Low	Mentor programs After school programs After school employment Alternative education programs Community services Foster home placement Probation Restitution Group Home
Medium	Family preservation programs Alcohol and drug treatment (outpatient) Intensive Probation Trackers/Community monitors Home detention Electronic monitoring Day reporting/intensive day treatment
High	Alcohol and drug treatment (in-patient) Specialized residential treatment <i>Secure detention</i>

D. Tools to Ensure Appropriate Use of Detention

- Establish objective detention criteria
- Utilize objective intake screening instruments to guide detention placement decisions
- Establish a range of options in the continuum of care
- Promote cooperation among key decision-makers and agencies in the use of alternatives to secure detention
- Establish system-level policies and practices that provide for appropriate placement of youth within a continuum of care and provide logical pathways for successful exit from the system