

# Working Collaboratively: Addressing the Needs of Federally Sentenced Juvenile Offenders

By Alex Escarcega

**Author's Note:** *Opinions expressed in this article are those of the author and do not necessarily represent the opinions of the Federal Bureau of Prisons or the U.S. Department of Justice.*

One of the most common methods for addressing the adverse impact of juvenile delinquency on victims and families is collaboration among the parties involved in the process. Such collaboration helps maintain the balance between holding juveniles responsible for their actions through corrective measures and enhancing public safety. This must occur in an environment conducive to rehabilitation and accountability. One of the essential elements of any successful collaboration is the desire to work collectively toward a common goal by outlining expectations and examining outcomes. Continued dialogue among all parties involved in this process is key. This process includes strengthening strategies designed not only to address delinquency, but also to re-examine themes and assumptions based on experience obtained from working with a diverse and unique population.

## Recurring Themes

Since enactment of the 1899 Juvenile Court Act and the 1974 Juvenile Justice Delinquency Prevention Act, both of which called for special juvenile court proceedings based on the concept of rehabilitation in addition to enhancing efforts to prevent and reduce juvenile crime, two recurring themes have continued to emerge. The first assumes that the demands on the juvenile justice system have been so great that it has evolved into a system requiring more integrative strategies among law enforcement, correctional agencies, courts, advocacy groups and various social agencies at the state, local and federal levels in an effort to interrupt further delinquency by young offenders. The second is the assumption that juvenile justice will continue its

evolution into the future as new demands and challenges present themselves by an ever-changing population. This has been evident with the Juvenile Justice Delinquency Prevention Act, which has been amended six times since 1974.

Addressing the needs of male and female juvenile offenders at the federal level presents the same challenges experienced by those at the state and local levels. The Federal Bureau of Prisons is also part of this evolutionary process, beginning with the enactment of the Youth Corrections Act by Congress in 1950. This legislation called for the delivery of specialized treatment to youthful offenders for rehabilitative purposes under the assumption that they would be more amenable to such rehabilitation. Consequently, three BOP facilities in Englewood, Colo.; Morgantown, W.V.; and Petersburg, Va., were designated to house offenders sentenced under the Youth Corrections Act. Efforts to separate youthful offenders from older inmates within these institutions proved to be problematic and impractical. In 1984, Congress passed the Comprehensive Crime Control Act, thoroughly revising the sentencing and correctional laws by placing more emphasis on uniform determinate federal sentencing guidelines. The Youth Corrections Act was repealed by Congress that same year, eventually resulting in a steady decline of youthful offenders being sentenced to federal custody. The BOP has not operated any facilities for federal juveniles since the Youth Corrections Act was repealed.

Presently, the BOP enters into agreements with tribal, state and local governments, and into contracts with private organizations to provide for the care, programming and confinement of federal juvenile offenders in secure and nonsecure correctional facilities. Offenders include those sentenced to the custody of the BOP or placed as a condition of supervision by federal courts. Collaboration also plays a major role as the BOP evaluates and identifies the geographical areas of the country where such services are needed.

## Meeting Change Through Collaboration

In cooperation with a work group created by former Attorney General Janet Reno, including several federal agency representatives to address juveniles in confinement, especially in areas populated predominately by Native Americans, the BOP embarked on an ambitious effort to house federal juveniles as close to their homes as possible in facilities providing quality programming pursuant to a statement of work. A statement of work for secure and nonsecure juvenile facilities sets forth the contract performance requirements for the comprehensive management and operation of juvenile correctional facilities. The BOP objective is to establish contracts that provide rehabilitation and accountability in settings conducive to rehabilitation and safety. This is accomplished through a system of written policies, procedures and practices that are culturally relevant and based on recognized juvenile correctional practices. Therefore, federal juveniles are not housed in facilities that are the subject of an ongoing federal lawsuit or an investigation concerning confinement conditions by the Special Litigation Section of the Civil Rights Division of the U.S. Department of Justice.

## Programming Requirements And Cultural Relevancy

Contract programs are required to provide each juvenile with at least 50 hours of formal programming per week. Such programming must include education, life skills, job-readiness training, vocational training, counseling, psychological services, recreation and leisure activity, and religious and cultural activities, as well as substance abuse treatment when appropriate. To the extent possible, the programming should be culturally sensitive and include activities specific to the unique needs of each ethnic group in the population. An example is the BOP's requirement for culturally relevant programming for Native Americans. Historically, the majority of juveniles entering the federal system are Native American males from South Dakota, Arizona, New Mexico, Montana and North Dakota, who are sentenced for violent offenses. Their ages typically range from 16 to 19 and they have an extensive history of substance and alcohol abuse and a need for mental health interventions. It is imperative for culturally relevant programming to play a major role in their overall treatment plan as the majority will be returning to their homes on Indian reservations. Therefore, in an attempt to maintain a support system during confinement and upon release, visitation and contacts with tribal members, elders and extended family is encouraged as long as it does not interfere with the safe operations of the facility. Additionally, the programs must collaborate with community resources

to integrate culturally specific elements that are sensitive to the juvenile's unique needs. The contractor is required to accommodate the spiritual needs of this population by providing community access to sweat lodges, medicine men and/or spiritual leaders. Participation in Native American ceremonies, access to Native American literature and participation in talking circles, or discussion groups involving traditional peacemaking, is also strongly encouraged.

## Incorporating Bureau Policy And National Standards

In order for the BOP to measure substantial compliance, contract programs must reference American Correctional Association standards for juvenile facilities and BOP policies when developing their operational procedures. For example, programs must conduct an initial medical, mental health and substance abuse screening to determine imminent risks. A more comprehensive assessment must be conducted on each juvenile within the first two weeks of his or her arrival at the designated facility. Such assessments must address a juvenile's educational, vocational, medical and mental health needs. These initial screenings and comprehensive assessments serve as the basis for the development of an individualized program. Other essential elements, such as those listed below, also must be incorporated into operational procedures and are subject to BOP oversight.

**Staff Recruitment, Training and Retention.** Program administrators play a very important role in ensuring that juveniles benefit from direct supervision by qualified staff who have been properly screened and trained prior to working with federal juveniles. Therefore, standards of conduct and sexual abuse/assault prevention and intervention are important staff training topics that the BOP covers extensively. Annual training covers a variety of other topics, including mental health awareness, staff integrity, crisis management, CPR, first aid, emergency evacuations, use of force, and suicide prevention and intervention.

**Volunteers and Community Relations.** Volunteers play a very important role in the rehabilitative process of federal juveniles. The BOP encourages programs to establish diversity among its juvenile mentors, individual volunteers and volunteer groups. Volunteers strive to help juveniles achieve their program goals under the direction and guidance of staff and administrators. Just as important is the community outreach in which program representatives are required to engage. Community outreach offers ongoing, positive communication between the program and the local community, elected officials, law enforcement officials and citizens. Community relations boards not only advance public education, understanding and advocacy for issues concerning the program, but also work collaboratively toward common goals with the development and imple-

mentation of bylaws and objectives. This diverse group is comprised of the leadership from government, business, civic, education, health care and faith-based communities.

**Juvenile Offender Discipline.** A clear distinction must be made between offender privileges and basic rights guaranteed under the Constitution. The balance between public protection, victim awareness and juvenile accountability must be articulated through a disciplinary system that incorporates due process whether violations occur under a graduated systems process or pursuant to the BOP's prohibited acts. Therefore, the BOP and programs must work together to address rules and discipline, criminal violations, disciplinary reports, disciplinary hearings, hearing decisions and appeals. Policies must ensure that corporal punishment as a means for discipline is strictly prohibited. When juveniles exhibit serious and chronic acts toward self or others, they may require placement in self-contained special management housing units. In such cases, juveniles must not be subjected to repetitive make-work, neglect, segregation without cause, food deprivation and unnecessary force.

**Assessing Progress and Expected Outcomes.** A juvenile's progress can only be made through a meaningful and effective case management system that relies on validated assessments and observations by staff and administrators. The BOP requires one case manager for every 25 juveniles. The case manager must ensure that the juvenile's progress is reviewed regularly with progress reports being provided to the corresponding U.S. probation officer, the court or BOP staff. For juveniles with learning disabilities, an Individualized Educational Plan must be developed and incorporated into a juvenile's treatment plan. Educational programs must provide each juvenile with a minimum of four hours of school each day, 12 months per year. Educational activities should not be limited to formal education, but include GED courses, correspondence courses for juveniles with post-high school education and/or independent living preparation.

## Confronting Future Challenges

The BOP recognizes that a relatively high proportion of juveniles entering the juvenile justice system require mental health services. Recent research suggests the need for more intense collaboration between mental health professionals and the juvenile justice system to better address the placement and programming needs of these juveniles.

In an effort to reinforce this collaboration, the Community Corrections Branch, the section in the BOP responsible

for juvenile services, is finalizing a statement of work for a secure juvenile mental health facility. This is a strategy intended to provide intensive mental health interventions for "hard-to-place" adjudicated federal juvenile offenders with a wide range of mental health disorders. These offenders may require emergency, short-term, long-term and/or intermittent services in behavioral stabilization units, and diagnostic and assessments or forensic units. Although treatment plans will continue to be an integral part of the juvenile's rehabilitation, documentation must be provided by attending mental health professionals in cases where a juvenile's formal programming is suspended due to high-risk assaultive behavior, or a medical and/or mental health condition. For this reason, this statement of work requires mandatory accreditation by the Joint Commission of Healthcare Organizations whose policies must reflect and parallel nationally recognized standards and existing BOP policies to ensure that sound correctional practices continue at the federal level.

The evolutionary process mentioned at the beginning of this article demands that the juvenile justice system continue to work collaboratively and collectively with other systems with the understanding that each is governed by a different set of rules, regulations and standards. In the final analysis, practitioners, administrators, health providers and policy-makers must work together as problem solvers if they are to address the needs of juveniles whose delinquent acts call for some form of sanction, but whose mental health needs are overwhelming. Maintaining the balance between public safety, juvenile accountability and victims will not be possible without this collaboration.

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*Alex Escarcega is the juvenile services administrator for the Federal Bureau of Prisons, Correctional Programs Division, Community Corrections Branch, in Washington, D.C.*

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