JUVENILES IN ADULT PRISONS AND JAILS

Kelly Dedel Johnson, Ph.D. and William Sturgeon

Authors of earlier chapters of this guide have thoroughly reviewed the empirical research demonstrating the failure of transfer provisions to provide either specific or general deterrence to juvenile crime. Despite this evidence that adult correctional programs, as they are currently designed, do little to rehabilitate youth, the fact remains that a significant proportion of youth who are processed through the adult court system go on to become inmates in adult correctional facilities. The purpose of this chapter is to present the most current research on the prevalence of juveniles in adult facilities and to discuss the reasons that many youth struggle in these environments. Put simply, the very characteristics that make the competency of juvenile defendants an issue in court re-appear as stumbling blocks in the correctional environment.

Only a small proportion of juveniles who commit crimes are transferred to the criminal justice system to stand trial as an adult. However, while the numbers of juveniles affected by transfer mechanisms remains relatively small, the consequences of the transfer decision (and the potential for incarceration) are significant. Thus, the impact of incarcerating juveniles with adults in facilities whose physical designs, inmate management techniques, and programs have been developed around the needs of adult inmates deserves careful consideration.

A current and accurate enumeration of juveniles confined in adult prison and jails is essential to understand the issues of youth in adult facilities. Using a combined sample of juveniles transferred to adult courts in 1990, 1992, and 1994, Snyder and Sickmund (1999) showed that, nationally, only half of the youth who are prosecuted as adults make bail (or are released through some other mechanism) prior to the disposition of their cases. The other half remains in custody in local jails pending trial. Rates of release on bail varied significantly according to offense type. Oddly, public order offenders were least likely to be released (19%), while property offenders were most likely to be released (74%). Even though a youth’s offense may not be serious or violent, a large proportion of youth remain incarcerated, with little or no programming, pending trial. Whereas some prison systems have developed specialized youthful offender programs, most jails have yet to do so.

Overall, 64% of juveniles who were tried as adults were convicted—the defendant pleaded guilty to a felony in 51% of all cases, 5% pleaded guilty to a misdemeanor, and 8% were convicted of a felony in a jury trial. Of the 36% who were not convicted, most often, the case was dismissed. Most of the youth who were convicted of felonies were sentenced to prison. Overall, 68% were incarcerated (49% in state prison, 19% in jail), 31% were sentenced to probation, and 1% were required to

1 Kelly Dedel Johnson, Ph.D. is a Senior Research Scientist at The Institute on Crime, Justice and Corrections at The George Washington University. William Sturgeon is a criminal justice consultant who has in the field of corrections as an administrator, consultant, and technical assistance provider for the past 25 years.
pay a fine. The authors found that alternative sanctions (i.e., dispositions other than incarceration or probation) were rarely imposed for juveniles in adult courts⁵.

Although not the case across all offense types, juveniles who were transferred to adult courts and convicted of murder were usually sentenced to longer prison terms than their adult counterparts. In 1994, the average prison sentence imposed for a juvenile convicted of murder was 23 years and 11 months, fully 2 years and 5 months longer than the average prison sentence imposed for an adult convicted of murder⁶. Such disparities have also been found among the more serious person offenses, such as homicide, rape, robbery, etc.

The actual setting in which a juvenile, when convicted as an adult, will serve his or her time varies by state. The proportion of time served in either a juvenile or adult facility is governed by the state’s type of sentencing practice⁷:

1. **Straight adult incarceration.** Juveniles under 18 are incarcerated with adult inmates in adult facilities, with little differentiation in housing or programming. In most states, juveniles are allowed to be housed in state correctional facilities with adult offenders, although some do attempt to classify and house offenders according to age and size.

2. **Graduated incarceration.** Juveniles, though sentenced as adults, are incarcerated in juvenile or separate adult facilities until they reach a certain age (usually 18), when they may be transferred to an adult facility to serve the remainder of their sentence, or may be released.

3. **Segregated incarceration.** Juveniles (and young adults) are assigned to specific facilities that may have specialized programming that goes beyond what is available to the adult general population. In general, youth are separated into age groups, 18 to 21 or 18 to 25 years.

A number of states’ DOC’s (Alaska, Arizona, Colorado, Florida, Louisiana, Nevada, Ohio, Pennsylvania, Texas, Washington, and West Virginia, to name a few) have taken responsibility for young offenders by creating specialized programs for youthful offenders. Sometimes, these separate facilities or housing units do little more than segregate the juvenile population; however, in a few states, the physical separation is supplemented with specialized age-specific programming and staff training designed to meet the needs of younger inmates. Characteristics of effective specialized programs and staff training will be discussed later in this chapter.

Thus, in most states, there are a variety of mechanisms by which a juvenile can be incarcerated in a jail or prison with adult inmates. At midyear 2000, there were over 1.9 million people incarcerated in the nation’s prisons and jails, with prisons holding two-thirds of the incarcerated population and jails holding one-third⁸. The number of inmates

---

⁵ Ibid, p.175.
incarcerated in privately-operated prisons increased over 9% between 1999 and 2000, reaching a population of 76,010.

Although the correctional population in adult jails and prisons continues to rise, the number of juveniles in these facilities has decreased slightly over the past years. Among the 1.3 million inmates in state prisons at midyear 2000 were a total of 3,915 prisoners who were under age 18. The table below shows the recent decline in the juvenile state prison population over the past five years:

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>5,309</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>1998</td>
<td>4,863</td>
<td>4,668</td>
<td>195</td>
</tr>
<tr>
<td>1999</td>
<td>4,194</td>
<td>4,027</td>
<td>167</td>
</tr>
<tr>
<td>2000</td>
<td>3,915</td>
<td>3,714</td>
<td>174</td>
</tr>
</tbody>
</table>

*Note: -- not available

In 2000, the states with the highest population of state prison inmates under age 18 were Florida (n=466), Connecticut (n=382), New York (n=264), North Carolina (n=263), and Texas (n=261). While their overall numbers may be small, this population of juvenile offenders in long-term adult facilities creates special management and programming challenges for prison administrators.

In addition to the number of juveniles housed in the nation’s prisons, there are a significant number of youth who are housed in adult jails. At midyear 2000, 7,615 persons under age 18 were incarcerated in an adult jail, with 80% of these having been convicted, or awaiting trial, as adults. The number of juveniles held as adults in jail has fluctuated considerably in the past five years. In 1995, there were 5,900 youth held in the nation’s jails as adults, increasing to 8,598 in 1999. These increases are likely due to the number of states that have expanded the mechanisms by which juveniles could be tried as adults. However, the recent decreases in the number of youth incarcerated in adult prisons, while undoubtedly influenced by demographic shifts, may also reflect some jurisdictions’ reluctance to convict and sentence juveniles to adult prisons.

The number of juveniles housed in an adult facility on any given day represents only a small proportion of the number of juveniles who actually experience jail or prison. In 1997, there were approximately 7,400 youth admitted to prison. (There are currently no national estimates on the number of youth admitted to jail, but given the larger one-day-count in these facilities and the shorter length of stay, we can assume the number of youth admitted to jail is much higher than the number admitted to prison). The number

---

9 Ibid, p. 4.
of youth admitted to prisons more than doubled between 1985 and 1997, in large part due to the substantial increases among violent offenders\(^{13}\). As a proportion of all under-18 admissions, violent offenses accounted for 52% in 1985 and 61% in 1997, with the largest increases witnessed for juveniles convicted of robbery and aggravated assault\(^{14}\). The table below shows estimates of the numbers of youth admitted to state prison, by race and offense type. It is particularly interesting to note the large increases in juveniles sentenced to adult prison for drug offenses. Similar data have also been used to examine the disproportionate confinement of minority youth in adult correctional facilities\(^{15}\).

### Table 2. Number of males under age 18 admitted to state prison, by race and offense, 1985-1997.

<table>
<thead>
<tr>
<th>Most serious offense</th>
<th>1985</th>
<th>1990</th>
<th>1997</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>White</td>
<td>Black</td>
<td>White</td>
</tr>
<tr>
<td>Total</td>
<td>1,300</td>
<td>1,900</td>
<td>1,500</td>
</tr>
<tr>
<td>Violent Offenses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Murder</td>
<td>440</td>
<td>1,180</td>
<td>470</td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>80</td>
<td>120</td>
<td>70</td>
</tr>
<tr>
<td>Robbery</td>
<td>160</td>
<td>710</td>
<td>130</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>90</td>
<td>140</td>
<td>140</td>
</tr>
<tr>
<td>Property Offenses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td>770</td>
<td>600</td>
<td>890</td>
</tr>
<tr>
<td>Larceny/theft</td>
<td>510</td>
<td>390</td>
<td>540</td>
</tr>
<tr>
<td>Motor vehicle theft</td>
<td>110</td>
<td>120</td>
<td>120</td>
</tr>
<tr>
<td>Drug Offenses</td>
<td>20</td>
<td>30</td>
<td>50</td>
</tr>
<tr>
<td>Public-Order Offenses</td>
<td>50</td>
<td>80</td>
<td>60</td>
</tr>
</tbody>
</table>

*Note: All data are estimated. Data are not disaggregated by Hispanic origin. Includes only those with a sentence of more than one year. Other offense types not shown in detail.*

*Source: Strom, 2000.*

Interestingly, the issues raised in the preceding chapters of this guide highlighting the challenges to a juvenile’s competency to fully participate in adult court proceedings are the very issues that challenge their ability to function well in the adult correctional system. The general picture is one of mutual unsuitability—the juvenile may not be properly equipped (cognitively, emotionally, etc.) to adjust to the conditions of an adult prison or jail and the facility itself may not be properly equipped (age-specific programming, nutritional needs, staff training, educational requirements, etc.) to oversee the incarceration of juveniles safely and productively. As stated in a recent piece by Butts and Mitchell,

“The symbol [of criminal court transfer] may have a high price. Sending more youth to adult court may not result in significantly more punishment for more offenders, but it may mean longer pretrial delays, more pretrial incarceration (with

\(^{13}\) Ibid, p. 1.

\(^{14}\) Ibid, p. 5.

\(^{15}\) The reader is referred to an excellent resource, The Justice Policy Institute, for more information.
few services to address youth problems), greater population management problems in adult prisons and jails, and greater exposure of youth to adult inmates.16

It is important to consider the elements of effective programs for juvenile offenders, so that a thoughtful decision can be made about a particular adult correctional program’s suitability to house a young offender. Basic standards for facility accreditation by the American Correctional Association (ACA) were recently updated to include specific recommendations for adult facilities that house juveniles. In general, the ACA prohibits the confinement of juveniles in adult facilities, except when the laws of a jurisdiction permit such confinement. In these cases, accreditation is dependent on compliance with a multitude of standards. Among those recently approved are17:

- Juveniles should be housed in specialized units, except if they pose undue risk of harm to others or if a qualified mental health professional indicates they would benefit from placement outside the specialized unit;
- Facilities should have a classification plan for youthful offenders to determine the level of risk and program needs in a developmentally-appropriate fashion. These plans should consider the physical, mental, social, and educational maturity of the juvenile;
- Adequate program space should be provided to meet the physical, social and emotional needs of juveniles and should allow for personal interactions and group-oriented activities;
- Juvenile offenders in specialized units in adult facilities should have no more than incidental contact with adult inmates; and
- Staff should be trained in key areas (e.g., adolescent development, education programming, crisis intervention and prevention, nutrition, cognitive-behavioral interventions, etc.) to ensure they can meet the developmental, safety, and other needs of juvenile offenders.

Standards from professional organizations, such as these from the ACA, clearly indicate that “best practices” would suggest a total separation of juvenile offenders from adult inmates. However, recognizing that mixed-age populations are permitted by legislation in most states, the ACA guidelines lend insight to the basic requirements for the safe and appropriate housing of juvenile offenders in an adult correctional agency. In today’s increasingly overpopulated correctional facilities, inmate transfers are common mechanisms used to control crowding and gang issues, etc. In addition, inmates may be transferred to new facilities to gain access to different programming. However, readjusting to a new facility is very difficult for youth, and many correctional staff feel that frequent transfers may be damaging and may unwittingly reinforce patterns of negative behavior.18 Thus, facilities need to have a range of security options, living space arrangements, and programming opportunities to minimize the need for transfers.19

Another issue that must be considered is the availability of job opportunities within the institution for young inmates. These employment opportunities foster skill development

---

19 Ibid.
and allow the inmates to earn money to purchase items from prison commissaries. Because some of the younger inmates are under the age of eighteen, and most states have legal prohibitions about children under the age of eighteen working with or in proximity to machinery, many job opportunities are not available to youthful offenders.

In addition to the structural and policy-based features of effective correctional programs for juvenile offenders, there are several characteristics of program delivery that attend to the unique developmental needs of adolescents which are required of adult correctional programs seeking to be effective with juveniles. Psychologists specializing in Adolescent Psychology have described the way in which developmental milestones can be achieved in a criminal justice setting. In order to be effective with juvenile offenders, correctional programs must teach juveniles how to improve their decision-making and how to recover from their common histories of victimization by meeting the following needs20:

1. **Meet adolescents’ need to feel competent.** Criminal justice programs must provide an opportunity for success and must nurture and celebrate each youth’s growing confidence in his or her abilities. Most juveniles in adult facilities have not traditionally found success in school or in obtaining non-criminal employment. Thus, more progressive, developmentally-appropriate program approaches are required to prepare youth for legitimate/legal work.

2. **Meet adolescents’ need to be in charge.** Effective programs emphasize choice-making and provide genuine opportunities for youth to be involved in designing the day-to-day program structure and carrying out required tasks. Sanctions for misconduct must be seen as fair and sensible and must be applied equitably.

3. **Meet adolescents’ need to appreciate the strength of their families.** Nearly all youth who are incarcerated in adult facilities will eventually return to the community. Programs that work to empower families to support their children, and help youth to embrace the positive qualities of their families will help youth to make peace with prior experiences of victimization, hurt, and disappointment.

4. **Meet adolescents’ need to belong.** Quality criminal justice programs adopt the positive features of gang membership that provide youth with recognition, encouragement, and hope for the future. This non-violent peer group offers youth the chance to feel valued by pro-social peers and adults.

Programming must be directly responsive to individual developmental needs. Beyer (2001) states, “When interventions are not designed to meet unique individual needs, the delinquent is often blamed for failing”21. Thus, a singular focus on prior criminal history would be shortsighted; instead, one must examine the ability of a particular sanction to teach the child what he or she needs and to provide opportunities to mature along the developmental pathway.

---


A defining feature of many delinquents’ careers is the failure of the school systems to engage them and provide opportunities for success both academically and socially. Through individualized education services with low teacher-student staffing ratios, effective programs for juvenile offenders meet the needs of youth with histories of school failure by providing stimulating classes, offering opportunities to experience success in school, and nurturing relationships between students and teachers\(^{22}\). In addition to school failure, juvenile offenders often have significant mental health problems. Sorting out the various emotional needs and recovery issues of adolescents requires specially trained staff who are fair, non-defensive, and open to helping youth who feel they’ve been treated unfairly\(^{23}\).

Security staff in adult facilities must also be prepared to meet adolescents’ dual needs for nurturance and opportunities for independence. Beyer (2000) states, “Most adolescents are intolerant of anything that seems unfair and reject what might be offered as assistance when they mistrust the adults in charge\(^{24}\). Further, because most adolescents exhibit uneven patterns of progress (i.e., they are likely to appear more mature, and then to regress, before making progress) and typically do not exhibit sound decision-making skills under stress, staff must be able to use positive reinforcement, rather than punishment, to encourage rehabilitation\(^{25}\).

In general, treatment programs in adult correctional facilities have not been realigned to become meaningful to juvenile inmates. A 1999 study of adult correctional facilities in Kansas found that, while program placements were sometimes made based on age, the programs themselves were developed to meet the needs of adult inmates who represent the vast majority of the treatment population\(^{26}\). Further, none of the facilities had received special funding or training to tailor treatment interventions specifically to the needs of juveniles. The fundamental flaw with this “one-size-fits-all” approach is that programs in adult prisons are not designed to understand and work with the specific developmental tasks that each youth must master. For example, substance abuse programs are designed around the issues leading adults to addiction and use; therefore, interventions that make sense in terms of adults’ thinking styles, relationships, identity development, etc. are not well suited for juvenile offenders, in which the causes and correlates of addiction are qualitatively different.

In addition to featuring the proper developmental perspective to improve the opportunities for successful rehabilitation, adult correctional facilities must also have the ability to provide the full range of educational service to which all youth under age 18 (or 21, for some services) are legally entitled. (The particular special education entitlements under federal law were reviewed in an earlier chapter of this guidebook.) Specific state regulations may, in some cases, expand eligibility and may have particular relevance to education services provided in adult facilities. Thus, it is important that each adult correctional system be well versed in its obligation to provide special education services.

---


\(^{23}\) Ibid, p. 17.

\(^{24}\) Ibid, p. 18.


Nelson et al. (1987) posit that education programs for juveniles in adult facilities are generally less adequate than programs in juvenile institutions. Because of the typical inmate in an adult facility is not school-aged, education programming generally features adult basic education, GED programs, vocational programming and post-secondary programming. In contrast, most juveniles in adult facilities require teachers with expertise in elementary and post-secondary instruction. While it is unlikely that many of these youth will return to school upon their release from the facilities, it is critical to their future success that education programming is age-appropriate and responsive to any special education needs that might be present. Some states have been persuaded to develop separate programs for youthful offenders by the cost-effectiveness of centralizing mandated education services.

In 1998, a national-level survey was conducted to estimate the availability of programs that had been specifically designed to respond to the needs of younger inmates housed in adult prisons and jails. The program offerings of the adult correctional systems generally focused on education and basic counseling services. However, other types of essential programs were much less prevalent---substance abuse programming tailored to young offenders was available in only 56% percent of correctional systems; sex offender programming for juveniles in only 26%, and violent offender treatment for juvenile offenders in only 40% of correctional systems. The dearth of adolescent substance abuse treatment programs is especially troubling given the centrality of this issue to many youth’s involvement in crime.

This survey also examined the physical conditions of confinement of youth in adult jails and prisons. Of the 181 facilities responding to the survey, only 13% maintained separate facilities or units for youthful offenders. By far the more common practice appeared to be that no differentiation was made between adult and juvenile housing units. A total of 21 states reported housing juveniles with adult inmates. For juveniles in these states’ facilities, 51% were housed in a dormitory setting, 30% in a single cell, and 19% in a double cell. Ensuring the safety of youth in mixed-age housing units is challenging, as evidenced by their high rates of victimization while in jail or prison (to be discussed in more detail later).

Most adult correctional systems attempt to ensure the safety and security of inmates and staff by using objective classification instruments. Most of these instruments do not take into account the special needs or maturation issues presented by adolescent inmates. Although these systems normally go through extensive validation research, the number of juvenile offenders housed in the facilities (and thus in the research samples) is too small to ensure the instruments’ proper functioning and fairness to young inmates. Because most classification instruments for adult inmates over-classify youth (i.e., place them in a more restrictive custody level than is necessary), and because most juvenile classification instruments fail to account for the nuances of the adult correctional environment, a clear need exists for classification instruments specifically tailored for juvenile inmates in adult correctional facilities.

---

29 Ibid, p. 65.
One of the key factors affecting an offender’s classification is his or her involvement in institutional misconduct. Most correctional facilities have a behavior management system designed to encourage compliance and to discourage negative or aggressive behavior. However, in adult facilities, these systems are developed to be meaningful to adults, and may not be as effective with juvenile offenders. Evidence of higher rates of institutional misconduct in adult facilities among juveniles as compared to adults suggest that the management systems designed to encourage and reward positive behavior in these facilities are not properly aligned for juvenile inmates. Further, the misconduct of younger inmates often amounts to technical violations of institutional rules (as opposed to predatory, violent behavior). The actual behavior, in a different context, amounts to “kids being kids,” but is considered to be a rule violation in adult institutions. These technical violations, or minor misconduct reports, can have significant negative consequences upon reclassification, and may result in future placement in a higher security level with more aggressive adult inmates.

In Arkansas, for example, inmates under age 18 had rates of disciplinary infractions that were 9% higher than department averages 30. In Georgia, the rate of youthful offenders involved in institutional misconduct was 15%, compared to 7.5% for the adult inmate population in the same facilities 31. In Oklahoma, juvenile inmates had an average of 2.6 rule violations, compared to 1.4 rule violations per adult inmate 32. While there are no national studies examining this trend, anecdotal evidence suggests that juveniles in adult facilities exhibit higher rates of institutional misconduct than their adult counterparts. More critical than the actual statistics, however, are the possible explanations for why this occurs.

One possible explanation is the high proportion of juvenile offenders with learning disabilities who are incarcerated in adult prisons and jails. While the relative frequency of learning disabilities among juvenile versus adult offenders has not been ascertained, younger offenders have had more limited experience (and maturity) in negotiating the correctional environment and may not have fully developed necessary coping strategies. Some states have specific legislation that prohibits the use of certain behavior management techniques with juvenile offenders——techniques that are rather commonplace in adult facilities. For example, California state law prohibits, among others, the use of interventions likely to cause physical pain, the use of noxious sprays or gases, and interventions that subject the child to verbal abuse, ridicule, or humiliation 33. In addition, youth with special education needs often exhibit behavior that appears to be intentionally non-compliant when it is actually a symptom of the youth’s disability. For example, a child with Attention Deficit Disorder may make decisions impulsively, fail to appreciate consequences, have a low threshold for frustration, and have difficulty listening or following directions 34. Based on the outward manifestations of behavior, a juvenile offender with this type of disability in a correctional setting is at risk of being reported for various disciplinary infractions.

31 Ibid, p. 4.
32 Ibid, p.4.
34 Ibid, p.65.
Learning disabilities are not the only characteristics that increase the likelihood of a juvenile inmate’s involvement in institutional misconduct. There are several characteristics of adolescents, in general, that make it more difficult for them to comply with institutional rules. Many of these characteristics have been reviewed in prior chapters of this guidebook to illustrate the challenges to a juvenile’s competence to stand trial in adult courts. Viewed from a slightly different perspective, they clearly have a relationship to the way in which a juvenile offender might behave in a correctional setting:\(^35\):

- Because of their stage of cognitive development, adolescents cannot think ahead, nor can they imagine unwanted outcomes. Instead, they are oriented only to the present and cannot use worst-case scenarios to inform their behavior. This failure to appreciate the consequences of their actions can have the outward manifestation of deliberate non-compliance.

- In terms of moral development, adolescents are “fairness fanatics.” Because they can become stuck in an irresolvable fairness dilemma, they are not likely to use disciplinary hearings to their advantage. For example, if a juvenile is written-up for participating in a fight in the dining hall, when he feels he was “just in the wrong place at the wrong time” and not an aggressor, he will not be able to weight his options at a disciplinary hearing because he cannot get over the feeling that “it’s unfair.”

- Similarly, adolescents value loyalty to their family and friends above all else and their moral code deems that it is wrong to benefit by blaming someone else. Thus, even when a truthful statement of someone else’s involvement in an incident would benefit the youth, he or she will not be likely to “snitch.”

- Adolescents rarely have the cognitive capacity to evaluate several options simultaneously. Especially if the youthful offender has a learning disability and has difficulty processing verbal or written information, his or her ability to understand and follow lengthy rules of conduct may be limited.

- Finally, immature thinking patterns mean that juveniles only consider the outcome they want and do not weight the costs and benefits associated with a particular decision. This impulse is seen most often in juvenile arrestees’ tendency to “say anything you want so I can go home,” but clearly has relevance to the way in which he or she will conduct himself with correctional staff, and older, manipulative, and predatory inmates.

In addition, anecdotal information suggests that youthful offenders may intentionally commit rule violations to gain placement in administrative segregation units. While normally a deterrent to adult inmates’ misconduct, the solitary, protected nature of disciplinary isolation can afford a juvenile inmate the opportunity to escape difficulties experienced in the housing units, to be alone (a classic developmental need of adolescents), or to use the sentence to lockdown to build a ‘tough-guy’ image to impress peers both inside and outside the institution. Some youthful offenders believe that “doing

---

"time" in administrative segregation gives them status among the general inmate population which they may consider essential to guard against victimization by older inmates.

At this point, the relationship between young offenders’ cognitive capacities and thinking styles and their involvement in institutional misconduct is mostly theoretical. Correctional staff have reported that misconduct by young inmates appears to be linked to their immaturity, and that staff responses to misconduct are less effective with juveniles, than with adults. One correctional officer said, “Policies and procedures were developed [knowing] that adults understand the consequences. Juveniles don’t understand them. [For example,] four weeks is an eternity to them. They don’t understand time.” A deeper examination of the issues surrounding juvenile offenders’ difficulties and lack of success in the adult system is required to fully understand what is not working and why it is not working.

A major issue that is more fully understood, and well-documented by empirical research, is the risk of physical harm that juvenile offenders face when they are incarcerated in adult jails and prisons. Put simply, young offenders “are abused more regularly and driven to desperation more quickly” when they are incarcerated in adult facilities. A recent report by Human Rights Watch (2001) reported that, among other things, inmates with the following characteristics are more likely to be the victims of sexual assault by other inmates: young, small in size, physically weak, first offenders, and those who are unassertive or not aggressive. The ability to be physically overpowered is an obvious risk factor. Less obvious is the risk for newly incarcerated first offenders. “Lacking allies, unfamiliar with the unwritten code of inmate rules, and likely to feel traumatized by the new and threatening environment, they are easy prey for experienced inmates.” The youthful offenders’ lack of maturity, social sophistication, and their inability to adjust to the social environment of the prison can also add to their vulnerability. Prisons have developed their own social sub-cultures, and inmates must have the maturity and ability to recognize and develop the social skills necessary to survive.

Juveniles in adult institutions are 500% more likely to be sexually assaulted, 200% more likely to be physically abused by staff, and 50% more likely to be attacked with a weapon than their counterparts incarcerated in juvenile facilities. In addition to being at grave risk of abuse by others, the suicide rate among juveniles incarcerated in adult prisons is 7.7 times higher than that among youth in juvenile correctional facilities. Beyer (2000) notes, “Suicidal adolescents are different from suicidal adults. Adolescents can swing quickly from a “normal” emotional state to killing themselves, often in reaction to a seemingly minor event. Adolescents frequently unintentionally kill themselves. Consequently, surveillance (the most common preventative measure in

---

37 Ibid.
40 Ibid.
adult facilities) is not sufficient to prevent suicide among adolescents. Activity, positive relationships between staff and youth, and counseling (which are all unlikely in an adult facility) are necessary aspects of adolescent suicide prevention.  

In conclusion, despite a weighty stack of evidence showing the negative consequence of incarcerating juveniles in adult facilities, a significant number of the nation’s youth continue to be faced with prison and jail sentences as a result of being transferred to the adult criminal courts. If at all, such sentences need to be imposed with the utmost thoughtfulness, considering not only the characteristics of the juvenile (especially his or her emotional maturity and level of cognitive development), but also the level of readiness of the adult system to meet, conscientiously, the unique developmental needs of juvenile offenders. Among the key questions used to evaluate a particular program’s ability to house juvenile offenders safely and productively are:

- Does the facility have entirely separate housing for adolescent offenders? Are custody classification and housing decision-making processes guided by instruments that have been validated on the juvenile population?
- Is the contact between juvenile and adult inmates, at most, incidental?
- Have staff been trained thoroughly in non-punitive methods of behavior management, adolescent psychology, and can they provide non-punitive structure that does not rely on the use of force?
- Are treatment and education programs attuned to the specific developmental needs and tasks presented by the youthful offender? Do they have separate curricula and treatment approaches from what is used for the adult inmates?
- Does the facility have clear and consistent policies for the immediate review of all reported youth-on-youth or staff-on-youth abuse? Further, are crisis intervention protocols responsive to the ways in which juveniles respond to stress and express distress?

As stated earlier, a number of state correctional systems have recently developed specialized facilities and/or units designed to meet the security, programming, and treatment needs of juvenile offenders. Those that appear to be most effective share a number of similar traits.

- The youthful offenders are housed separately from the adult offenders. Separate housing can certainly be justified on a very practical and operational basis. By keeping this unique population together:
  - Specialized programmatic activities that are geared to deal with the issues of this population can be purchased and delivered en masse;
  - Staff can be selected and trained to work exclusively with juveniles;

---


• Specific staffing patterns can be developed to address the needs of the youthful offender facility/unit; and
• The ability to control adult predatory inmate contact with youthful offenders is enhanced.

The agency has reviewed and, if necessary, created new policies and procedures to accommodate the juvenile population and to expand the array of options available to manage them. The youthful offender program should be established by policy and should include specific mandates for some of the more ambiguous areas of correctional practices. For example:
• Policies surrounding the use, sale, or trafficking of tobacco products to youthful offenders;
• Policies surrounding the provision of extra food and snacks designed to meet the nutritional needs of young offenders; and
• Policies surrounding how staff will be selected for the youthful offender program and content-specific training requirements. All staff must be required to complete a specialized youthful offender training program before they are permitted to work in the program. The quality of staff training is a key determinant of a program’s effectiveness. Working with young offenders is qualitatively different from working with adult inmates, and is often more demanding. Staff must be well prepared to work with youthful offenders. Further, programs that use either volunteers or staff specially selected report that the program comes together more quickly, and that there are fewer incidents.

The programmatic activities are age-specific and responsive to the developmental needs of the youthful offender population. The programs are selected to meet the educational, emotional, cognitive, and social development levels of the juvenile inmates. Programs are supported by assessment instruments (classification, needs, education, etc.) that have been normed and validated on juvenile offenders in adult correctional settings. (In most cases, where agencies have tried to adapt adult testing instrument and adult programs, the results have been disappointing.)

A daily schedule is followed consistently. Daily schedules have proven to be very helpful in the day-to-day operations of youthful offender programs, as they lend structure to the program and permit both staff and offenders to know exactly where they need to be, when and what will be expected of them. For youth who do not have a GED or high school diploma, education must be the cornerstone of the daily activities. Education must be geared to the youthful offender population by offering small classes, age-appropriate instructional strategies and materials (low-level/high-interest), and must provide access to quality special education programming for eligible offenders.

Clearly, the decision to sentence a juvenile to an adult prison or jail will have dramatic consequences for both the individual and the correctional system. A critical review of the system’s ability to protect the youth from harm and to deliver age-appropriate rehabilitative services should guide the court’s decision-making.