

# States of the Union

## OUR CLOSET YOUTH INSTITUTIONS

BY RICHARD J. MARGOLIS

**A**RIDDLE of large institutions is their essential invisibility to those who administer them. Often it takes an outsider's eyes to reveal their true meaning.

Last July a consulting team called in by the State of Maryland—and organized by the Center for the Study of Youth Policy at the University of Minnesota's Hubert Humphrey Institute—issued a long-awaited report on conditions in Maryland's juvenile justice system. The report paid special attention to the state's two reformatories, the Montrose School and the Hickey School.

What the authors found overall was disarray. Among other things, they deplored as "inordinately high" the number of children (1,300) who each year were deprived of juvenile justice and instead were diverted to the adult system. Echoing complaints at least a century old, the investigators noted that Maryland's Juvenile Services Administration (JSA) had become "a child welfare system" rather than "an agency which responds to juveniles who have broken the law...." The JSA, they said, was locking up children who had committed either minor offenses or none at all.

But the consulting team reserved its bluntest criticisms for Maryland's two

reform schools, condemning both as overcrowded and in poor physical shape. Montrose, moreover, had become a repository for "victimized, homeless, addicted, mentally ill, educationally handicapped, developmentally disabled children."

Hickey was an administrative nightmare. The staff had ceded much of its authority, "allowing youths to discipline other youths." Instead of "interacting" with the inmates, it fed them "psychotropic drugs" and "antidepressive medication." The study notes: "One incident in particular alerted consultants to the problem: On the day they visited Hickey, a young man was curled in the corner of an isolation cell, sucking his thumb. He had been taken off his medication, Ritalin, to see how he would react...."

Soon after the report came out, Linda Rossi, the state's new JSA director, took Governor William Donald Schaefer on a tour of Montrose. "The Governor saw plenty," Rossi recalls, "the dirt, the holes in the walls, the ugly dormitories with their narrow cots. It wasn't exactly the right kind of atmosphere for someone's developmental years."

According to Rossi, when they got back into the car, Schaefer turned to

her and said, "It's awful. Can we fix it?"

"No," Rossi answered.

"Then close it," he told her. "You've got three months to do it."

It has taken a little longer, but Montrose is gradually shutting down. Its population last year was 250; today it is less than 100.

Jim Marchel, a reform-minded entrepreneur in Salt Lake City, would applaud Maryland's deinstitutional reforms. He believes that small is beautiful and big is brutal. "There's something about a large institution," he says, "that is basically, generically corrupt. Sooner or later it starts hiding its mistakes. Everything digresses to the staff's convenience."

Marchel is in a position to know. He was once director of research for Utah's juvenile courts, and in 1977 a judge empowered him to investigate certain disturbing allegations that had been brought against the State Industrial School (known also as the Youth Development Center, or YDC). Among other things, a class-action suit initiated by the parents of some of the inmates charged that the 350-bed facility, Utah's only reformatory, was overcrowded and understaffed. The guards, the suit said, were unable to cope with the children; discipline was unpredictable, vacillating between total tyranny and total laxity.

"I found it was all true," Marchel remembers. "In fact, things were much worse than anyone thought. The basic problem was fear. When you put a lot of troubled kids together, lock 'em all up in one constricted place, there's no telling what will occur. In this case there weren't enough staff people to keep the peace. There never are.

"So what happened was classic: They started to depend on certain kids, the big tough ones, to enforce discipline. Those were called 'the dukers.' Their job was to beat up kids for the staff. A guard wouldn't have to spell it out. He'd only have to say to a duker, 'Take that guy in the closet and talk to him.' The duker would know what to do."

The closet, observes Marchel, was an ingenious choice of locales. Not only did it conceal the beating, it supplied the perfect weapon. "The duker beat the

kid with a board, actually with a shelf in the linen closet. When he was finished, he just put the board back and it became a harmless shelf again. Nobody would ever suspect.”

There were other “incredible abuses.” A teenage girl had been kept naked in a tiny isolation cell for 30 days; a boy had been made deaf from frequent beatings around the ears. Children set fire to one another, raped their cellmates, poured boiling water on their adversaries. In sum, Marchel discovered several circles of hell at the YDC, and he came to the conclusion Dante had come to: “All hope abandon, ye who enter here!”

The staff’s nervousness, meanwhile, produced wild swings in discipline. For instance, Marchel learned that privileged inmates “were allowed to come and go pretty much as they pleased. Some were going AWOL every week or so. Can you guess why? They were committing *burglaries* out there.”

The class-action suit and the revelations it produced led in time to the near-total deinstitutionalization of Utah’s juvenile justice system. In place of the old, 350-bed reformatory, the state has now built two 30-bed “secure facilities,” each one designed as a kind of campus with bars. (The circles they form do not resemble Dante’s: in the center are classrooms, a library and recreation lounges; bedrooms and offices comprise an outer rim.)

In addition, Utah’s old-style, short-term detention centers house some 100 children at any one time. All other juveniles who end up in state custody—between 500 and 600 each year—live at home or in small-group residences. As C. Ronald Stromberg, the state’s Corrections head, reminded a Congressional committee not long ago, “The emphasis in every program is on *individualized treatment* in the least restrictive setting....”

**T**HE UTAH and Maryland stories are unusual only in the responses leaders made to social catastrophes largely of their states’ own making. The catastrophes themselves were commonplace. Institutional torment remains endemic to the nation’s juve-

nile justice system; it seems a curse that comes with the territory, or with the barbed wire that encircles it.

As in Utah before it saw the light, the problems nationwide often begin with too many kids and too little space. “Get tough” policies in many states have stiffened penalties and lengthened prison terms, putting still greater strain on already overburdened institutions and their staffs.

Bureau of Justice computations indicate that almost half of the nation’s imprisoned juveniles (45 per cent) live in “facilities with more residents than they were designed to hold”—that is, in overcrowded prisons. The bigger the institution, the less adequate it is likely to be. In 1985, institutions with at least 100 beds accounted for only 6 per cent of all juvenile facilities, but for 36 per cent of all juvenile residents.

The nation’s 390 juvenile short-term detention centers, virtually without exception conventional jails, also contribute to the misery. According to a study in *Justice Quarterly*, 47 of those facilities—13 in Florida alone—“were chronically overcrowded” in 1982. The figure is probably higher today, thanks to what the study describes as the “ever upward spiraling” of juvenile detention terms. Again, as the authors point out, “It is generally acknowledged that overcrowding is a major cause of warehousing, disciplinary problems, tensions among staff members, low staff morale, and violence among juveniles and between juveniles and staff.”

We know how to calculate the extent of overcrowding in reformatories and detention centers, but we have not yet learned how to compute the consequences. There are no tables of abuse, no “path analyses” of violence and its variables. So we continue to rely on old-fashioned story-telling, and on a few clear-eyed troubadours who venture inside our institutions and bring us back the news, much of it bad.

The Youth Law Center is one of these useful messengers. Headquartered in San Francisco, it sees itself as “a public interest law office dedicated to the protection of the rights of minors nationwide”—a role that takes its staff mem-

bers into places darker and more remote than any the rest of us might be inclined to explore. Here are a few of their findings, as reported by Mark I. Soler, the organization’s executive director, to a Congressional committee.

“We have seen children hogtied in state juvenile training schools in Florida—wrists handcuffed, then placed stomach down on the floor and wrists and ankles joined together behind their backs....”

“My colleagues and I have represented a 15-year-old girl, ordered into an Ohio jail for five days for running away from home, who was raped by a deputy jailer; children held in an Idaho jail where a 17-year-old was incarcerated for not paying \$73 in traffic fines, then was beaten to death over a 14-hour period by other inmates; and parents in Kentucky and California whose children committed suicide in jail.”

Surely the road to hell is paved with bad detentions. The picture one gets from such reports, especially from those concerning the Western states, is of an oddly Victorian-like mind-set that is somehow reluctant to enter the modern era. Plain old institutional stubbornness may be one of the reasons; a genuine belief in the efficacy of “get tough” measures is certainly another.

The morality that characterized training schools in the 19th century—the reverence for punitive discipline, the preference for humiliating remedies—endures as today’s *modus vivendi* in many places. But now we should know better. For nothing has occurred across the generations to support a conclusion that reform schools work, or that “getting tough” with delinquents will either reduce recidivism or safeguard society. On the contrary, as the National Council on Crime and Delinquency tells us, “the research indicates that ... traditional, large congregate training schools cannot cure and may actually worsen the problems of youth violence.”

We can find reason for encouragement in states like Utah and Maryland, which have been seeking a better way. The children there, along with their adult keepers, have nothing to lose but their chains.