DETENTION IS DEFINED AS THE TEMPORARY CARE OF CHILDREN WHO REQUIRE SECURE CUSTODY FOR THEIR OWN OR THE COMMUNITY'S PROTECTION, PENDING COURT DISPOSITION. THE DOCUMENT STATES THAT JAIL DETENTION OF CHILDREN, THE PREVALENT RE COURSE, IS DEMORALIZING, UNFIT, AND OFTEN UNNECESSARY. NEEDS ARE STATED TO INCLUDE (1) ADEQUATE PROBATION SERVICES, (2) SHELTER CARE, SUCH AS SUBSIDIZING BOARDING HOMES, AND (3) DETENTION FACILITIES DESIGNED FOR CHILDREN. STATEWIDE PROGRAMS OF REGIONAL DETENTION ARE SEEN AS THE ONLY HOPE FOR ELIMINATING JAIL DETENTION FOR CHILDREN. THIS PAPER WAS PREPARED FOR PRESENTATION AT THE NATIONAL CONFERENCE ON PROBLEMS OF RURAL YOUTH IN A CHANGING ENVIRONMENT (SEPTEMBER 1963). (SF)
DETENTION CARE IN RURAL AREAS

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ABSTRACT

DETENTION CARE IN RURAL AREAS

Detention is defined as the temporary care of children who require secure custody for their own or the community's protection in physically restricting facilities pending court disposition. The status of detention care in the United States today is anything but encouraging. In most places, children are being held in jail, in makeshift facilities that are virtually children's jails or in specialized designed detention homes that are inadequately staffed or programmed. Frequently the children are detained unnecessarily because of lack of other necessary related services.

Although these problems are less serious in rural areas, from the standpoint of the number of children affected, they are more serious for the child detained - he goes to jail. Needed services include: (1) probation or other court-designated services to determine the appropriate type of temporary care to be given and to help parents care for their own children while pending court disposition in order to keep the number of children requiring temporary care at a minimum; (2) shelter or open-type facilities such as subsidized boarding homes for delinquent children who need care outside of their own homes pending court disposition but who do not require secure custody; and (3) the availability of detention care of those few children who require secure custody pending court disposition.

Generally speaking, rural counties can operate probation and shelter care facilities for delinquent children, but cannot maintain their own detention program. State-wide programs of regional detention are needed in every state. A state agency must assume primary responsibility for providing the detention service, and special provisions must be made for the use of regional detention facilities by outlying counties. Regional detention programs offer the only hope for eliminating jail detention and for providing adequate detention care for children.
INTRODUCTION

This paper concerns the detention care of children in rural areas. For the purpose of this paper, a county with a population less than 50,000 is considered a "rural area." Detention is defined as "the temporary care of children who require secure custody for their own or the community's protection in physically restricting facilities pending court disposition."^1/

The paper considers three questions: (1) What is the status of detention care in rural areas in the United States today? (2) What services are needed in rural areas for the detention or other temporary care of delinquency children pending court disposition? (3) How can these temporary care services be made available to delinquent children in rural areas?

WHAT IS THE STATUS OF DETENTION CARE IN RURAL AREAS IN THE UNITED STATES TODAY?

STATUS OF DETENTION CARE IN THE UNITED STATES

Before discussing detention care in rural areas, it might be well to first look at the detention situation generally. The picture is anything but encouraging.

1. Children are still in jail. The National Council on Crime and Delinquency estimates that from 50,000 to 100,000 children are held in jail each year.

2. Children are in makeshift detention facilities which are virtually children's jails. The so-called detention homes often consist of a barred room in a county court house, home for the aged or in some other institution.

3. In many places specially designed detention homes have been constructed, However, even many of these have limitations, including:

   (a) The programs are so inadequate that they are little better than jails, failing to meet their objectives of offsetting the harmful effects of confinement and beginning the process of rehabilitation.

   (b) These detention homes are staffed and programmed in such a way that they can care for only the mildly delinquent child who does not need detention with the result that the seriously delinquent child for whom the detention program was intended is still being held in jail.

   (c) Mildly delinquent children are being detained unnecessarily and harmfully in close association with sophisticated delinquents.

-1-
Because of indiscriminate use, detention homes are dangerously overcrowded to a degree that an adequate program is practically impossible.

The manner in which delinquent children were cared for pending court disposition was a concern of the early leaders of the juvenile court movement. The presence of children in jail was one of the motivating factors in establishing the first juvenile court in 1898. Yet, 65 years later, the expressed detention objective of this movement, "to keep the child from the evils of jail ... (and to care for him) as a wise father would care for his children," is still far from a reality in most places. It is little wonder that detention has been called a national disgrace.

Status of Detention Care in Rural Areas

Detention care in rural areas is similar to detention generally. With regard to jail detention, the situation is probably worse. From the information available, jail detention is the rule rather than the exception. It is unlikely that any county with a population under 50,000 has its own detention home. On the other hand, proportionately fewer children are detained in rural areas. To some extent, this would be expected because of delinquency rate in rural areas is only one-third of that in urban areas.

Jail Detention of Children

Since jail detention is so prevalent in rural areas, this practice should be examined more closely. Although it has been condemned by authorities in the field of child welfare and correction for many years, there still is much complacency about, with the excuse that "there is no other place to put them (the children)." For this reason, the following facts about the jailing of children should be emphasized:

1. Most jails are unfit for adults. Jail inspectors for the Federal Bureau of Prisons have described jails in this way: "if they (jails) are not quite the 'crucible of crime' they were in the 1930's, they continue in the main to be operated by persons without real qualifications for dealing with aberrant human beings." 5/

2. In the majority of the cases of jail detention that have been studied, the child did not need to be detained at all. Furthermore, many of the "delinquent acts" for which children were placed in jail would not be violations of law if committed by adults. In a rural state, a study revealed that 209 of 686 jail detentions were for such acts as truancy, ungovernability, running away, curfew violations, consuming beer, etc. 6/ The study also showed that in no instance of jail detention of a child would bail have been denied an adult in the same situation. The study revealed further that children held in jail often were not referred to court, making their jail detention illegal. The irony of the jail detention of children is that they are placed in jails like serious adult offenders by juvenile courts while they are not given legal safeguards that would have been afforded them in adult criminal courts.
3. Studies repeatedly demonstrate the demoralizing atmosphere of jail for children. For example, the Idaho study reported the following on visits to eight jails in rural areas:

(a) The children in the cells were, for the most part, unsupervised, out of sight and hearing of the adults in charge. A cry for help would not be heard. Suicide could be easily accomplished within these cells. Older, more sophisticated and large juveniles could mistreat the smaller and younger ones without being seen or heard by adults in charge of the jails.

(b) The children observed during these visits were always idle. They had nothing to do.

(c) Some children were placed in solitary confinement and were not permitted even reading materials except for the Bible.

(d) Incidents reported from one county illustrated dramatically how the jail setting can contribute to the further serious delinquency of children. In one situation, two boys while in jail allegedly made younger children commit unnatural sexual acts. These two boys were brought back into court and charged with sodomy and committed to the State Industrial School. In another incident, another boy in jail on a traffic charge was brought back to court on an assault charge for beating up a smaller boy who refused to do the bigger boy's work.

Peter Maas' article in Look includes the following:

"Take the teen-age girl, a runaway, who scratched this prayer on the steel wall of her county-jail cell:

'May the Lord bless and help us who are in this place.'

Take the 16-year-old boy, arrested for auto theft, who, after two days alone in maximum security, was found hanging by his neck from a twisted sheet tied to the bars of his cell window. Cut down by his jailer just in time, he later explained to the judge, 'I have caused everyone an awful lot of trouble.'"

Jail detention is harmful for children. It makes treatment more difficult, often contributes to further delinquency, and is a serious problem in rural areas. Furthermore, the rural county is less able to eliminate jail detention by itself; it is dependent to a large degree upon state action for adequate detention care.
NEEDED SERVICES IN RURAL AREAS FOR THE DETENTION AND OTHER TEMPORARY CARE OF DELINQUENT CHILDREN PENDING COURT DISPOSITION

CHILDREN TO BE SERVED

With respect to the need for temporary care, delinquent children in rural areas as well as in urban areas may be classified into three groups: (1) those who can and should be left with their parents or guardians; (2) those who need temporary care but do not require secure custody; and (3) those who do require the secure custody of detention.

Children who can and should be left with their parents or guardians

Most children coming before the court can remain in their own homes or that of a responsible relative awaiting court disposition. Parents can and should take responsibility for the care of their children during this period. Also, casework by the probation officer or caseworker to the child and his parents may provide sufficient support to allow the child to remain in his home during this period. Parents are thus enabled to have an opportunity to take an active role in the child's rehabilitation. Moreover, home custody eliminates the possibility of a traumatic detention experience.

Children who need temporary care but who do not require custody

Included in this group is the child, who, if released, would be in physical or moral danger; whose relationship to his own parents has been strained to the point of serious damage; or who, having been in a foster home or institution prior to the delinquent act, is not able to return to the foster home or institution. These children should be cared for in shelter homes. They should not be grouped with the children who require secure custody.

Children who require the secure custody of detention care

This group includes children who are unable to control their behavior or whose parents are unable to maintain custody and control of them, even with the supportive help of a probation officer or caseworker. Included among these are children who are almost certain to run away, who commit an offense dangerous to themselves or to the community while awaiting court disposition or placement, and children who must be held for another jurisdiction.

OBJECTIVES OF THE SERVICE

A service that provides temporary care for delinquent children pending court disposition should adhere to the following objectives: (1) Children who can be left in their own homes safely will not be unnecessarily removed from their homes. (2) Children who require diagnostic service will be able to receive that service without being unnecessarily detained. (3) Children who need temporary care pending court disposition but who do not require secure custody will be cared for in a shelter facility, and will not be placed in the secure custody of detention. (4) Children who require secure custody prior to court disposition will receive adequate detention care.
PREREQUISITES OF THE SERVICE

Basic to a service providing temporary care for delinquent children is the conviction that jail is no place for a child. Further, a detention program should be viewed as a part of the continuum of integrated services for delinquent children. Its effectiveness is dependent upon the adequacy of other services such as police services for children, probation or other court designated case-work services, mental health diagnostic services, and treatment services.

Law enforcement officers should be youth oriented and be sufficiently well trained that they can screen youth upon apprehension so that no child will be unnecessarily placed in confinement. Citations should be used when possible to do so without endangering the child or the community.

There should be adequate probation or other court designated casework services to carry out the court's intake policies and procedures. These include providing detention care of delinquent children and in other instances providing the necessary support to the child and his parents to make it possible for the child to remain with his parents pending court disposition. An adequate probation service includes trained probation officers, who, through their diagnostic skill and with the assistance of clinical services when appropriate, help the court make better court dispositions. Adequately trained probation officers make probation effective by conducting casework treatment of the child in the community. Where high-quality probation services are not available, the delinquent child is locked in detention with the hope that he will become a better adjusted individual, and thus be deterred from further delinquency.

Diagnostic services should be available on an outpatient basis to all delinquent children who require such service. Adequate and diversified treatment services are needed. Detention care cannot substitute for such services; at best, it can only begin the process of rehabilitation.

ESSENTIALS OF THE SERVICE

Detention Intake Policies and Procedures

Important to the temporary care program are detention intake policies and procedures to insure the appropriate use of detention care for the children for whom it is necessary and shelter care facilities for children who need care but not secure custody. These policies and procedures should be clearly defined by the court in writing. Such intake policies and procedures should be required by state regulation, governing financial reimbursement and use of regional detention homes.

Shelter Boarding Homes for Delinquent Children

Among the delinquent children often held in detention, are those who need temporary care outside of their own homes, pending court disposition but who do not require secure custody. Unless special provisions are made for their temporary care, they are likely to be unnecessarily placed in detention. They
should be cared for in a subsidized boarding home or an agency operated boarding home. The shelter home for delinquents, like other boarding homes, should have no security features such as locked rooms, barred windows, etc. Its capacity should be limited to five or six children. It should be reserved for the temporary care of delinquent children awaiting court disposition, and it should not be used for any other type of foster care. Special features of this type of home include:

1. It should be open and ready to accept children on a 24-hour basis and, therefore, the foster parents should be compensated for keeping the home available for emergency use.

2. The board rate should be substantially higher than is paid to other boarding homes, because the children to be cared for are usually more difficult to handle, requiring closer supervision. In addition this type of care does not give foster parents satisfactions usually derived from longer term care. Depending on the number of children cared for, provision should be made for appropriate relief for the foster parents.

3. The foster home should be carefully chosen. The foster parents should be capable of giving understanding and constructive care to difficult and upset delinquent children; able and ready to give close supervision to the extent, for example, of sitting up with an upset child in an emergency situation and keeping him within sight and sound at all times; and capable of involving children in a variety of constructive activities.

4. Close contact should be maintained by the probation officer or other case worker with the children placed in shelter care and with the temporary foster parents.

5. In some instances, the child should attend the school in the community. If the period of temporary care is too short to justify transfer to the local school or, if for some other reason, it is not feasible for the child to attend school in the community, he should be served by a home teacher.

6. Children should have an opportunity to attend religious services of their own faith in the community.

7. Although community recreation may be used, the home should be equipped with appropriate play and craft materials. These should be provided by the agency or be included in the subsidy.

8. Appropriate medical and clinical services should be available.

Detention Care (Secure Custody)

Use of Detention

The distinguishing feature of detention care as opposed to other types of temporary child care, is that it is secure custody. It suspends at least
temporarily the child's right to his freedom and his parents' right to his care and custody. It may be harmful to the child, and may make his rehabilitation more difficult. In detention, he is confined with other, perhaps more serious delinquents with the risk that he may identify with other delinquents and assume their hostile attitude against adult authority and society in general. Not having been successful in other respects, the notoriety of having been placed in detention may give the delinquent child the recognition he craves and further confirm him in his delinquent pattern. Placement of a child in detention is, in short, drastic action, and therefore, should be used only when a failure to do so would place the child or the community in danger.

Characteristics of Children in Detention

Children in detention are among the community's most disturbed and aggressively acting-out adolescents. They are in detention during a crucial time in their lives. They are the children on whom the community needs to expend its best efforts to redirect them into becoming socially useful citizens. They are upset, feeling the world is against them, anxious and worried about their future. They must be cared for under conditions of confinement - conditions against which even nondelinquent children might rebel. They are capable of suicide, escape or attack. Generally, their detention experience will not leave them as they were before. It will be either a destructive experience, confirming their delinquent patterns and attitudes, or a constructive one, beginning the process of rehabilitation. The mission of the detention is to provide a constructive experience.

Objectives of Detention Care

If detention is to be a constructive experience for the child, it must accomplish the four basic and interwoven objectives. It must provide:

1. Secure custody with good physical care in a manner that will offset the damaging effects of confinement.

2. Constructive and satisfying activities, not just to amuse the child or to take up his time, but to provide an opportunity for the child to bring out his positive potentials, help him find socially acceptable ways of gaining satisfaction, and to provide a basis for positive staff-child relationships and a setting for observation and study.

3. Individual and group guidance to help the child use his detention experience positively,

4. Observation and study leading to a better diagnosis upon which to build a better treatment plan.

Requirements of a Minimum Detention Program

Because of the characteristics of children in detention, the physical plant needs to be fire-resistant and secure, but not like a jail. Its details of construction and the materials used should be such that the children will not
have opportunities for escaping, hiding, committing suicide or injuring themselves, other children or staff. The lay-out of the building should permit visual and auditory supervision of the children by staff.

There should be individual rooms because children in detention cannot stand being continuously in a group. They need a rest from the group, a chance to think things through, and to cry without being ridiculed by other children. Because constructive activities are necessary to a detention program, it is important that there be adequate space for these activities, including vigorous games and sports, crafts and arts, group discussions, quiet games, and game-room activities. The cost of construction in 1961 for such a specially designed building was estimated to range from $12,000 to $20,000 per bed, amounts which in all probability, would be prohibitive for rural counties. Also, because of the characteristics of children in detention, they must be under supervision at all times. Ideally this requires that at least one man and one woman group counselor be with the children on a 24-hour basis, even in the smallest detention home. For regular operation, 10 group counselors are needed: 4.7 persons are required to cover one position for the full 24 hours for one week.15/ Because it is important that the detention program offset the damaging effects of confinement and begin the process of rehabilitation, the child must be made to feel that he is accepted as a person. The youngster "should feel in the staff a warm acceptance of himself and rejection only of his anti-social behavior."16/ Positive use should be made of group life to help them improve their ability to get along with one another and with persons in authority and to cope with their own individual and group problems. Staff members should be able to create and maintain this atmosphere, to carry on constructive activities, and to observe and record the behavior of the individual children in the group. These persons should be college graduates or have the educational background and experience equivalent to that of a beginning probation officer or child welfare worker. Inexperienced staff members should be supervised by a person trained in working with disturbed children in groups. As individual guidance and diagnostic observation and study are objectives of detention, there needs to be provisions for casework. Also clinical services should be available. An adequate child care and professional staff, along with a maintenance man, a cook, and a housekeeper, comes to a minimum staff of 15 persons. This staff along with the specially designed physical plant and program is necessary, regardless of how few children are in detention.

HOW CAN TEMPORARY CARE SERVICES BE MADE AVAILABLE TO DELINQUENT CHILDREN IN RURAL AREAS?

PROBATION SERVICES

Providing adequate probation service is a problem in a rural area. This paper, however, is not addressed to that problem. A probation staff can be as large or as small as needed and, for this reason, probation is relatively less difficult to provide than a detention service which cannot be operated on a small scale.
SHELTER CARE FOR DELINQUENT CHILDREN

In most counties with a population under 50,000, the number of delinquent children who require temporary care but not secure custody, pending court disposition, is relatively small. In all probability subsidized boarding homes would be able to care for these children.

Since there is no capital expenditure in the use of subsidized boarding homes and the subsidy payment can be as small or as large as the volume of care justifies a shelter boarding home program for delinquent children can be operated on a small scale. Consequently, it can be practical for a small county. There are many small counties which do not need even one such home. Two or more counties could operate one jointly.

Whether or not a county should set up a shelter boarding home for delinquents or attempt a joint endeavor with other counties would, of course, depend on the number of children requiring care.

Ordinarily, delinquent children who need diagnostic service but not temporary care should be studied on an out-patient basis while they remain in their own homes. There may be some children who need such study in counties where no diagnostic services are available. Temporary care for a few days may be needed for these children close to a clinic. For this reason, shelter homes should be set up in the communities where clinics are located. In developing shelter boarding homes for delinquent children, the advice and the assistance of a trained, experienced foster care worker should be sought.

DETENTION SERVICES

Earlier we indicated that an adequate detention program requires a minimum staff of about 15 persons, a specially designed physical plant, and a basic program, regardless of how few children are detained. The smallest unit that would justify a staff of 15 and would make a detention program practical is a single unit detention home with a capacity for 20 children. At $12,000 to $20,000 per bed, it would cost from $240,000 to $400,000 to construct, and would require an annual minimum budget of about $78,000. A county would need to have about 300 detention cases annually in which the child stayed an average of 14 days to justify such a detention home. Studies have shown that such a minimum of 300 detention cases per year cannot be expected in counties with populations under 250,000. Obviously, then, it is impractical for rural counties to operate their own detention homes. Rural counties will have to be served by regional detention homes. If every delinquent child who requires detention is to receive an adequate service. Furthermore, if regional detention is to accomplish the objective of providing an adequate detention service to all children who require it, regardless of where they live or are arrested, it must be based on a state plan that includes all counties. Such state regional detention plans cannot be put into effect through cooperative programs between several counties. It requires the initiative of a state agency which will not only develop such a plan but also take primary responsibility in providing detention services.
Fortunately, counties with a population under 50,000, are not alone in their inability to provide their own detention services. Of over 3000 counties in the United States, only 122 have populations over 250,000. State regional detention then is a necessity for all but a relatively few counties. Widespread recognition of this fact could hasten the day when an effective state regional detention plan becomes a reality in every state.

SPECIAL PROVISION FOR THE USE OF REGIONAL DETENTION HOME BY DISTANT COUNTIES

Even where there is a statewide program of regional detention, there will still be problems in the use of homes by outlying counties located at a considerable distance. These problems will call for special provisions for local overnight care, transportation to and from the regional detention homes, and casework at the regional detention home.

Local Overnight Care Facilities

A local secure overnight care facility could allow the court and the probation staff up to a maximum of 24 hours to interview the child and his parents and to transport him to the distant detention home pending court disposition. The criteria for the use of a secure overnight care facility is the same as for secure detention; that is, it is used only when to do otherwise would endanger the child or community. It should not be used in lieu of detention service, its use should be limited to 24 hours, and it should only be permitted in counties that have arrangements for both shelter care for children not requiring secure custody.

Such overnight facility should not be a jail or a police lockup. It should be secure, but non-jail-like, have some room for activity, and be constantly supervised. It could probably best be carried on in some type of institution giving 24-hour care to people but in quarters separate from and out of sight and hearing of the other people. Examples of places where such local overnight care could be given are: (a) a retention room (for mentally ill patients) in a general hospital; (b) other hospitals or institutions under guard; (c) the shelter boarding home under guard, if no other children are in the home at the time; or (d) a specially designed overnight facility such as the type "C" detention home provided for by the Utah detention standards.

General hospitals often provide temporary care for mentally ill patients. The delinquent child who could be a danger to himself or the community could be cared for in a similar manner. Further, a deputy could be employed on a standby basis for the occasional duty of staying with a child who would require local overnight care in secure custody. The employment of such a deputy would be far less expensive than the cost of operating a small detention home. Detailed recording and reporting of such overnight care should be required by the appropriate state agency.

Transportation of the Child to Regional Detention Home

In many states transportation of a child from some counties to the regional detention home entails a long trip. Often, the police agency could not afford
to have one of its officers away from the home community for the time such a trip would require. For this reason, it may be advisable to employ a special deputy on a standby basis for this purpose. He could also double for guard duty in the local overnight care facility.

**Detention Casework Services to the Children from Distant Counties**

Through the use of the overnight care facility when it is necessary, the court worker will be provided an opportunity to conduct a lengthy interview with the child before he is taken to the detention home. Problems arising in the detention home itself, interviews with the child for more information for the social study or for the police or visits by the child to the clinic, can be handled by the caseworker at the regional detention home.

**SUMMARY**

The rural county on its own initiative, cannot provide all of the temporary care services necessary to eliminate the serious and prevalent problem of jail detention of children. Generally speaking, although a rural county can operate probation and shelter care services for its delinquent children, it cannot maintain its own detention program. A detention service cannot be operated on a small scale. It requires a specialized physical plant, a basic program, and a minimum staff regardless of how few children are in detention. Because relatively few counties can provide their own detention program, state-wide programs of regional detention are needed in every state. In such programs, a state agency must assume primary responsibility for providing the detention service, and special provisions must be made for the use of regional detention facilities by outlying counties. State regional detention programs offer the only hope for eliminating jail detention and for the providing of adequate detention care for children who require such care, regardless of where they live or are arrested.
FOOTNOTES


4/ Although no systematic study has been made, there is considerable information on the status of detention care in rural areas. This information has been secured from the state-wide statistics and studies of detention care from consultation and observation visits to rural areas.


7/ Ibid.

8/ Maas, op. cit., p. 50.


11/ A "subsidized boarding home" may be defined as a family boarding home that is paid a flat monthly amount as a subsidy in addition to a per diem board rate per child. An "agency operated boarding home" is a home owned or leased and operated by the agency. The foster parents or adults in the home, responsible for the children, may be paid a salary or a subsidy plus a per diem board rate per child. For a more detailed discussion of the different types of foster care, see Hagen, Helen R. "Foster Care for Children." Social Work Yearbook, New York: National Association of Social Workers, 1957, pp. 267-273.

12/ NCCD, op. cit., p. 15.

13/ Ibid., p. 36.

14/ Ibid., p. 36.
Two of these group counselors should be senior group counselors who can assume responsibility of the detention home in the absence of the director.

Of course, there would be some capital expenditure if the county agency decided to purchase a home for use as an agency-operated boarding home.

This statement should not be interpreted to mean that all counties with a population over 250,000 have a sufficient number of children requiring detention to make practical the operation of their own detention home.

At this time, state agencies are operating regional detention in only four states, Massachusetts, Connecticut, Delaware and Maryland.