Abuse and Inefficiency in Juvenile Offender Boot Camps: Is Regulation the Answer?

**Background**

Over the last 20 years, many states have embraced “boot camps” as an alternative to traditional detention facilities to deal with juvenile offenders. However, the boot camp method has become highly controversial, with some offering praise of the strict habits the facilities instill in delinquents, and others criticizing the ineffectiveness and abuses that transpire with the lack of oversight and regulation.1

Boot camp techniques vary across the country; however, methods are mostly structured to parallel military training facilities, in which staff members act as drill sergeants, inmates are referred to as recruits, and intense physical challenges are routine. Two-to-four month stays in residential programs filled with military drills, counseling, and education are viewed generally as “intermediate sanction” in the juvenile justice system.2 Stemming from the “tough on crime” wave of the late 80’s and early 90’s, the intent of boot camps for juvenile offenders has been to discipline and “curb criminal tendencies.”3 However, the popularity of boot camps has suffered due to a series of scandals in the last two decades, including eyewitness reports and evidence of physical and psychological abuse sometimes resulting in death from alleged maltreatment.4

In the wake of these scandals, some states have reformed boot camp systems or abandoned them entirely.5 Though many politicians and voters like the romanticized idea of boot camps (shaping up troubled kids into disciplined adults), there have been several attempts in recent years to begin federally regulating juvenile boot camps in the U.S.6

**Criticisms of Boot Camps for Juvenile Offenders**

The Government Accountability Office conducted an investigation of juvenile boot camps and identified 1,619 incidents of child abuse in 33 states in 2005.7 The investigation uncovered youths forced to eat their own vomit, denied adequate food, beaten and thrown to the ground, and forced to endure the humiliation of lying in their own urine or feces.8 To place the concerns of critics into context, many of the following practices commonly employed in juvenile boot camps are not legally allowed as treatment of U.S. detainees in Guantanamo Bay. For example, private residential facilities for juveniles often use stress-inducing phobias and fears, physical training, exposure to cold weather, sleep deprivation, nutritional deprivation, stress positions, extended isolation, forced labor, and denial of use of the bathroom to “modify the behavior” of adolescents.9

Critics argue that staff members are ill-equipped to deal with juveniles, often resorting to psychological and physical cruelty to maintain the captor/captive dynamic.10 Critics also question whether boot camps can ultimately change the behavior of inmates, citing statistics and government reports that indicate camps fail to reform the overwhelming majority of juvenile inmates, with recidivism rates as high as 80%.11 Furthermore, abuse is “almost inevitable” as long as staff members maintain absolute authority with little to no regulation or legal restrictions.12

**Alternatives and Potential Developments**
Despite the abuses that occur, both proponents and critics have agreed that some of these private facilities have the potential to produce substantial gains for participants, especially academically. Though recidivism rates are high, and the majority of juveniles do re-offend within the first year after leaving the boot camps, many participants enter with below-grade-level skills and advance academically and even progress up to several grade levels. Furthermore, a 2003 National Institute of Justice report found that juveniles in boot camps “reported decreased anxiety and depression, better impulse control, and better social attitudes than their counterparts in other types of juvenile facilities.”

However, aftercare is an important element of rehabilitation, and the period after boot camp is a weak point for most programs. The real risk factors like peer situations, drug issues, and unhealthy cognitive patterns, are just as likely to be encountered after boot camp. Furthermore, without regulations for these private boot camps, the abuses taint any progress the facilities may make.

In light of the rampant criticisms of juvenile offender boot camps, Congressman George Miller (D-CA) has been spearheading a campaign to create government oversight of private facilities. After Attorney General John Ashcroft refused Congressman Miller’s demands to open a federal investigation into the quality of the schools, Miller continued his efforts by introducing a bill to the House last June. The bill, which would have supplied states with funding to regulate and license residential treatment institutions, passed the House by a bipartisan vote of 318 to 103, with support from the American Association of Children’s Residential Centers, the American Bar Association, the American Psychological Association, the Child Welfare League of America, the Children’s Defense Fund, the National Child Abuse Coalition and many other organizations.

Congressman Miller, along with Representative Carolyn McCarthy (D-NY), reintroduced legislation to stop abuse in juvenile boot camps February 9, 2009. This bill was also aimed at protecting teenagers against physical, mental, and sexual abuse, and preventing deceptive marketing practices by operators of these private detention centers. At legislators’ request, the Government Accountability Office conducted investigations during the 110th Congress, revealing thousands of allegations of child abuse and neglect since the 1990s related to teen residential programs and boot camps. With very little in the way of state and federal standards to regulate these programs, major gaps in licensing and oversight have been found.

The Stop Child Abuse in Residential Programs for Teens Act of 2009, would “establish, for the first time, minimum federal standards for preventing child abuse and neglect at teen residential programs.” All programs around the country would be inspected every two years by the U.S. Department of Health and Human Services, according to the bill. Civil penalties against programs would be issued for violating the new standards. Furthermore, the bill calls for states to set and enforce standards for both private and public youth residential programs within three years of the bill’s passage. Lastly, protecting children in the programs and ensuring transparency would be welcome new changes under the bill. Currently, there is opposition among groups that
would be affected by the House bill’s licensing and oversight provisions. Senate action is likely to be delayed for some time, and will require compromise before the bill’s passage.

While legislative attempts to properly address boot camp abuses and inadequacies linger in limbo, there are several promising alternatives to these private military style facilities. Multi-systemic therapy, which aims to keep offenders and their families together and works on problems in a practical home setting, avoids the problems that come with returning juveniles from restricted settings to the real world. A report done by the Wisconsin Council on Children and Families revealed that programs that mirror or foster a supportive family environment in the community are most effective at reducing recidivism and encouraging positive adolescent brain maturation. The courts have other sentencing options for juvenile offenders, as well. Young offenders can receive incarceration, treatment, and probation.

Since courts began using boot camps in the U.S. as an alternative means of addressing delinquency, no study has found this type of program to reduce recidivism. Though there are some arguments to be made in favor of boot camps over incarceration in juvenile facilities, the savings are dependent on length of sentencing, and the academic gains often evaporate at the end of required stays. With no mandated standards and program design left entirely up to the administrators of a given camp, electing to send juvenile offenders to boot camps is largely ineffective and dangerous in many cases. Until steps are taken to regulate and improve the current state of juvenile offender boot camps, these private facilities will continue to be an unreliable and potentially risky sentencing choice.

2 Id.
3 Id.
5 Testimony Before the Committee on Education and Labor, House of Representatives, Residential Treatment Programs: Concerns Regarding Abuse and Death in Certain Programs for Troubled Youth, 110th Cong. (2007) (statement of Gregory D. Kutz, Managing Director of Forensic Audits and Special Investigations).
6 http://www.caica.org/GAO.htm
7 Testimony Before the Committee on Education and Labor, House of Representatives, Residential Treatment Programs: Concerns Regarding Abuse and Death in Certain Programs for Troubled Youth, 110th Cong. (2007) (statement of Gregory D. Kutz, Managing Director of Forensic Audits and Special Investigations).
8 Id.
9 Alison Pinto, Ph.D., Monica Epstein, Ph.D., Paul Lewis, B.B.A., Kathryn Whitehead, B.A., Exploitation of Youth & Families: Perspectives on Unregulated Residential

11 *Id.*


13 *Id.*

14 *Id.*

15 *Id.*

16 *Id.*


19 *Id.*

20 *Id.*

21 *Id.*

22 *Id.*

23 *Id.*


25 *Id.*

26 *Id.*