

REAUTHORIZATION OF THE JUVENILE JUSTICE  
AND DELINQUENCY PREVENTION ACT: PRO-  
TECTING OUR CHILDREN AND OUR COMMU-  
NITIES

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HEARING  
BEFORE THE  
COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE  
ONE HUNDRED TENTH CONGRESS  
FIRST SESSION

DECEMBER 5, 2007

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**REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT: PROTECTING OUR CHILDREN AND OUR COMMUNITIES**

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**WEDNESDAY, DECEMBER 5, 2007**

UNITED STATES SENATE,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC*

The Committee met, pursuant to notice, at 10:14 a.m., in room 226, Dirksen Senate Office Building, Hon. Patrick J. Leahy, Chairman of the Committee, presiding.

Present: Senators Kohl, Feingold, and Specter.

**OPENING STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT**

Chairman LEAHY. Good morning, everyone. The thought occurred to me this morning, as I saw traffic backed up all around here because we're having a light dusting of snow, I was in Vermont, at home, two days ago and happened to have the radio on. They said, oh, in other news, we expect a light dusting of snow today, no more than four to five inches, and went on to other news.

Here, we expect maybe as much as an inch of snow. They've been interrupting the news every two minutes to create the appropriate degree of panic in everybody who might be around. I can mix many analogies, and I'll probably stop with this, but I live on a dirt road, about 1,000 feet up on the side of a little mountain, and we'll have 12 inches of snow overnight and the school bus will be rolling by on time in the morning. The irony is, of course, this area has far, far more snow removal equipment per mile than we have in the whole State of Vermont. Interesting, but not the issue that brings us here today.

Today we consider the important issue of how we can best help our communities and protect what is our most precious asset, our children—and in the case of some of us, our grandchildren—not only by keeping them safe and out of trouble, but also by helping to ensure they have the opportunity to become productive adult members of society. I want to thank Senators Specter, Kennedy, and Durbin for their leadership on this issue, but I particularly thank Senator Kohl, who has long been committed to this issue. He will join in chairing this hearing today.

The Juvenile Justice and Delinquency Prevention Act sets out Federal policy and standards for the administration of juvenile justice in the States. It authorizes key Federal resources for States to

improve their juvenile justice systems, and for communities to develop programs to prevent children from getting into trouble. The reauthorization of this important legislation gives us a good opportunity not only to examine, but really to reexamine, Federal juvenile justice policy. That way, when we find those things that are working we'll reinforce them, and if they're not working, then we should change them.

The Washington Post reported last week on a study by the Centers for Disease Control and Prevention that we should consider. The CDC determined that children who were held in adult prisons committed more crimes, more serious crimes, when they are released than children with similar histories who are kept in juvenile facilities. After years of pressure to try more and more children as adults and to send them to adult prisons, we need to seriously consider whether that policy is working, especially in light of strong evidence to the contrary.

Now, I was a prosecutor, as I've said many times here, for eight years. I know well the importance of holding criminals accountable for their crimes with strong sentences. But we're talking about children. We also have to think about how best to help them become responsible and contributing members of society as adults, because after all, what we want to do is keep us all safer. That would keep us safer.

As I've observed before, Congress and the past administration—the Clinton administration's strong support for State and local enforcement in the '90s with the COPS programs and other key grant programs brought about historic declines in crime. Crime went down even as our country grew in size. But the gutting of these programs by this administration and the recent Republican controlled Congresses has contributed to a reverse of that trend, the recent increases in crime rates.

I'm not being partisan when I'm saying we can't just write blank checks to law enforcement in Iraq. We've lost a billion and a half that nobody knows where it went, thousands and thousands of weapons that have disappeared. That was done as though, of course we've got to do that, and we pay for it by cutting out the programs in America, the law enforcement programs in America. It makes no sense.

The Office of Management and Budget says the administration may be proposing further cuts in funding to law enforcement next year. You know, law enforcement is not a Democratic or Republican issue. It's something that helps all of us. They shouldn't be doing this. I'm also afraid that similar trends are evident in the juvenile justice field. Effective prevention programs are facing significant cuts in Federal support. That creates a dangerous fact. We have to reverse that, help our communities implement programs to help children turn their lives around. Again, we're all better off if we do that.

I've long supported a strong Federal commitment to preventing youth violence. I've worked hard and passed reauthorizations of this legislation, as have many of the Senators on this committee. We've learned with time the importance of boosting support for State and local law enforcement and balancing strong law enforcement with prevention programs. Now, some problems persist, in-

cluding disturbing episodes of mistreatment of children and the continuing disproportionate representation of minorities in the juvenile justice system. We have to find out how to solve that.

I want to thank the many prominent Vermont representatives of law enforcement and the juvenile justice system, and the prevention-oriented nonprofits that have spoken to me in support of reauthorizing this important Act. I meet with many of them in Vermont, and some I just run into in the grocery store when I'm getting my groceries at home. They've helped to shape my understanding. I know that many on this committee have heard from passionate leaders in their State. So, I thank the distinguished panel of witnesses for coming.

I'm glad it includes people with juvenile justice experience not only in large urban communities, but also in rural areas because they are important too, as anybody from a rural State knows. We have representation from the Federal, State, and local level, people with years of experience both in law enforcement programs aimed at keeping children out of the criminal justice system. So, I will put my full statement in the record.

[The prepared statement of Chairman Leahy appears as a submission for the record.]

Chairman LEAHY. I see Senator Feingold is here. Senator Feingold, of course, has been one of the leaders in the U.S. Senate in this area ever since he arrived here.

Russ, did you want to say something?

**STATEMENT OF HON. RUSSELL D. FEINGOLD, A U.S. SENATOR  
FROM THE STATE OF WISCONSIN**

Senator FEINGOLD. Yes, Mr. Chairman. I thank you. Good morning. I want to thank the Chairman for holding this hearing. I also want to thank the witnesses for being here today to discuss this important issue. I am especially happy to see my friend from Wisconsin, Deirdre Wilson Garton, who's done such excellent work for the Wisconsin Governor's Juvenile Justice Commission.

This is a critical time for juvenile justice. Since Congress last reauthorized the JJDP in 2002, there have been changes, some of them good and some of them, frankly, not so good.

One of the positive developments has been the ongoing accumulation of evidence telling us what is working in the field of juvenile justice and what is not working. Scientific research on adolescent brain development has shed light on the fallacy of treating juvenile offenders the same way we treat adults. The dangers of pursuing such an approach are increasingly clear. Just last week, the Centers for Disease Control published a study by an independent panel of community health experts, confirming that placing juvenile offenders in the adult criminal system leads to higher recidivism rates and can be detrimental to the health and well-being of the young person.

At the same time, recent experience has shown us the successes that can result from community-based programs that focus on prevention and intervention. An independent panel, convened in 2004 by the National Institutes of Health, found that a number of these programs have proven effective at reducing arrests, out-of-home placement, and violent behaviors. Ms. Garton will be telling us

today about some programs that have had significant, measurable success in Wisconsin, including a program that has had a dramatic effect in one of the most troubling areas of the juvenile justice system, and that is disproportionate minority contact. These successes in reducing and preventing juvenile offenses are accompanied by significant cost savings to our States and communities.

These programs rely heavily on Federal funding through the JJDP and other grant programs, and that's where the bad news comes in. In recent years, there has been a precipitous decline in Federal funding for the very programs that have been shown to work, and for the State infrastructure that enables effective use of those programs. Wisconsin JJDP funding has dropped from about \$8 million in 1998 to less than \$2 million this year.

As the Federal commitment has dropped off, there is some evidence suggesting that the rate of violent juvenile crime, which had been declining steadily for many years, has begun in the past couple of years to climb again. This is unacceptable. Dealing effectively with at-risk youth and juvenile offenders and preventing them from becoming adult offenders is one of the most important investments we can make in the safety of our communities.

The Federal Government should fulfill its responsibility to fully fund the JJDP and similar programs, such as the Juvenile Accountability Block Grant. Indeed, we should expand on the successes of these programs through legislation such as the Precaution Act, which Senator Specter and I introduced to help further integrate prevention and intervention programming into traditional law enforcement initiatives and to provide more information to local officials about what strategies are most effective.

I hope, Mr. Chairman, that today's hearing galvanizes us to recognize the importance of the JJDP and similar programs, and to rededicate ourselves to giving our States and communities the support they need in this critical endeavor.

Mr. Chairman, thank you for letting me make an opening statement.

Chairman LEAHY. Thank you very much. Senator Specter, who has taken a strong interest in this and is the senior Republican on this committee, is over at the Supreme Court this morning. I'll put his full statement in the record, as well as that of Senator Kennedy.

[The prepared statements of Senator Specter and Senator Kennedy appear as a submission for the record.]

Chairman LEAHY. Normally I swear in a panel. It's not necessary on this panel. We will begin with Bob Flores, who's the Administrator of the Office of Juvenile Justice and Delinquency Prevention, OJJDP, for those who like alphabets, at the U.S. Department of Justice. He served as Vice Chairman of the Coordinating Council of Juvenile Justice and Delinquency Prevention from '89 to '97, and—correct me if I'm wrong in this—he was senior trial attorney and Acting Deputy Chief in the Child Exploitation and Obscenity Section in the Criminal Division of the Department. He received his J.D. from Boston University. So, he understands snow.

Go ahead, Mr. Flores.

**STATEMENT OF J. ROBERT FLORES, ADMINISTRATOR, OFFICE  
OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION,  
U.S. DEPARTMENT OF JUSTICE, WASHINGTON, DC**

Mr. FLORES. Good morning, Chairman Leahy. I would like to express my thanks for the opportunity to appear today on behalf of the Department of Justice's Office of Justice Programs. I'm pleased to be here to discuss the reauthorization of the JJDP Act and the Department of Justice's efforts to address juvenile crime and delinquency.

I'm thankful that the President has made the focus on the needs of children to be safe and supported a priority. His remarks on boys and gang-involved youth during his 2005 State of the Union address, the First Lady's efforts on behalf of youth across our country, and the Attorney General's support to address predators of children all serve to undergird our efforts at OJJDP.

The original JJDP Act addressed certain dangers and practices in the way children were confined. Today the Act not only continues to serve that important goal, but advances many other critical needs as well. The JJDP Act keeps the Nation focused on prevention and intervention to balance necessary enforcement initiatives. Moreover, it also serves to encourage States to make sure that the juvenile systems strive to be fair and effective. For that reason, the Department embraces the four core requirements and supports their continued use.

In the most recent reauthorization, Congress made modifications to the requirements and the penalties for non-compliance. Through concerted efforts, OJJDP has been able to resolve State compliance deficiencies, and also reduce the number of non-participating States from 3 to 1, and that State has stated its desire to come into compliance and has begun efforts to do so.

I urge the Congress not to relax the core requirements. OJJDP also strives to leverage its work and its resources to better serve children. Through the Coordinating Council on Juvenile Justice and Delinquency Prevention, which I chair, the Federal Government is improving its ability to coordinate Federal programs related to delinquency prevention, missing and exploited children, and detention and care of juveniles.

We have been successfully working on improving access to job training for youth leaving detention and aging out of foster care, organizing and coordinating the many mentoring initiatives being carried out by the Federal Government and bringing together experts to begin work on addressing the physical and mental health needs of children in the juvenile justice system.

OJJDP has also encouraged coordination at the State and local level to address serious violent crime. Since 2003, OJJDP's gang reduction pilot program has succeeded in making local efforts to reduce youth gang activity more effective by combining local, State, and Federal resources.

Just recently, the City of Richmond reported a significant improvement in their city's crime ranking. This was, in part, due to a focus on collaboration and targeted strategies, including implementation of the gang reduction program. Already in 2007, the city is showing a 12 percent decrease in major crimes.

Another example of OJJDP's partnerships is its Internet Crimes Against Children Task Force program that works to develop effective responses to Internet-based child exploitation and pornography. Last year, ICAC investigations led to more than 2,000 arrests, more than 9,600 forensic examinations, and just this past August the Task Forces and their affiliates made their 10,000th arrest since the program started in 1998. As you know, the Department's Project Safe Childhood is adding the considerable abilities and resources of U.S. Attorneys to this fight.

Finally, OJJDP continues to invest in research and data collection. Accordingly, we've made sizeable investments in studying female delinquency, gangs, innovative prevention strategies, pilot programs, and studies while maintaining our most critical data collection efforts.

In closing, the Department of Justice is committed to supporting programs that have the greatest potential for improving the juvenile justice systems across our country and combatting juvenile delinquency.

Mr. Chairman, I appreciate the opportunity to testify before the committee on this important subject. I'd ask that my entire written statement be entered into the record, and I'd be pleased to answer any questions. Thank you.

Chairman LEAHY. Well, thank you very much. Incidentally, I had mentioned earlier the Vermonters who are interested in this. I'd just note for the record the Vermont representatives of law enforcement and the juvenile justice system, and prevention-oriented nonprofits who have been so supportive of the Juvenile Justice and Delinquency Prevention Act reauthorization and have given me so much feedback.

Among the many Vermonters who have been particularly helpful are Chief Steve McQueen of the Winooski Police Department, Richard Smith, chair of the Children and Family Council for Prevention Programs, and Ken Schatz of the Burlington City Attorney's Office. I would tell our superb recorder of these events that we will give her all those names.

Shay Bilchik is the founder and director of the Center for Juvenile Justice Reform at Georgetown University's Public Policy Institute. He previously served as the president and CEO of the Child Welfare League of America. He is the former head of OJJDP at the U.S. Department of Justice. He served as a prosecutor in Miami, Florida for several years. He received his B.S. and J.D. from University of Florida, a university that never closes down for snow.

Go ahead.

**STATEMENT OF SHAY BILCHIK, FOUNDER AND DIRECTOR,  
CENTER FOR JUVENILE JUSTICE REFORM, GEORGETOWN  
UNIVERSITY PUBLIC POLICY INSTITUTE, WASHINGTON, DC**

Mr. BILCHIK. Thank you, Mr. Chairman. I appreciate the opportunity to be here today to speak on this important, vital piece of legislation and the critical issues that it addresses. As a former prosecutor and former Administrator of OJJDP, this is an area of tremendous importance for me as an individual.

I sit before you today with good news: today, youth crime and delinquency in this country remain near the lowest levels seen in the

past three decades. The recent data show a dramatic reduction in the rate and seriousness of juvenile delinquency over the past 10 to 12 years.

Although we've seen a recent uptick in juvenile arrests, as you mentioned, in some communities, according to the FBI crime statistics, juvenile arrests for serious offenses comprised just 5 percent of all juvenile arrests, with arrests for rape and murder constituting less than one-third of one percent of all juvenile arrests.

While I begin my comments with these positive notes, we do continue to face challenges in the juvenile justice system such as the over-reliance on detention and incarceration as a response to juvenile crime; the continued detention of status offenders despite Federal prohibition; pervasive racial disparities in the justice system; the increased placement of children at risk of abuse, sexual assault, and suicide in adult jails, despite the Act's original intentions; a workforce that is not given the tools it needs to succeed in doing the life-altering work it is asked to do each and every day in the field; and a reduction in the investment of what we know works to prevent and reduce juvenile delinquency.

I elaborate on each of these items in my testimony, so I will not go into great detail at this moment.

The programs and approaches that we know work to prevent and reduce delinquency currently lack adequate Federal, State, and local support needed to demonstrate their worth and to develop them fully. For example, the Title V incentive grants for local delinquency prevention programs, commonly known as the Community Prevention Grants Program, is the only Federal funding source dedicated solely to the prevention of youth delinquency, crime, and violence. Prevention activities, such as those supported by Title V, have been so woefully underfunded in recent years that they can only reach a fraction of the youth who would benefit from them.

To address some of the pressing issues I mentioned in juvenile justice and to take advantage of the research that we now have that shows what works and what doesn't, we need to strengthen the Act and elevate and restore the capacity of the Office of Juvenile Justice and Delinquency Prevention.

The Act has created a unique partnership between agencies of the Federal Government and leaders in the juvenile justice field in the States and localities as an integrated part of the structure of that Act. The Office of Juvenile Justice and Delinquency Prevention is uniquely positioned to provide national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. It is the one place where the courts, prosecutors, defenders, probation, community-based organizations, law enforcement, and State and local leaders in the field can turn to for support.

It is the intent of the Act that OJJDP be in a position to sponsor numerous research, program, and training initiatives, develop priorities and goals, and set policies to guide Federal juvenile justice issues, disseminate information about juvenile justice issues, and award funds to States to support local programming nationwide.

Given that there are, in effect, 56 different juvenile justice systems in the States, the District of Columbia and the territories, not to mention tribal courts, it's critical that juvenile justice have a

dedicated focus and a home within the Federal Government as a leadership office.

It should be made clear in this reauthorization that the office is expected to have in place a full range of services to be provided in support of the Act, including research and evaluation, training and technical assistance, dissemination of research and evaluation findings, and demonstration of new programs.

It should be explicit in the Act that it is the expectation of Congress that these functions are to be carried out by OJJDP and not delegated to other agencies within the Office of Justice Programs. In addition, there should be technical and financial support for national nonprofit associations to represent the Nation's State advisory groups to bolster the field as we attempt to grow it.

In my testimony, Mr. Chairman, I talk about strengthening the core protections: the deinstitutionalization of status offenders, the jail and lock-up removal, as well as DMC requirements. I encourage you to explore those during the course of this hearing. They are important to the field.

My last item I will focus on today is the workforce. We have workers out in the field each and every day, hundreds of thousands of them, trying to support the juvenile justice field and benefitting young people who come into the system. We need to be creative in how we reauthorize this Act to better support them in doing that work.

Thank you, Mr. Chairman.

Chairman LEAHY. Thank you very much. That is one of the reasons, of course, for the hearing, is we want to know what has worked and what hasn't worked and go forward on that, as Senator Feingold said, and the statements from Senator Kennedy and Senator Specter also reflect that.

[The prepared statement of Mr. Bilchik appears as a submission for the record.]

Chairman LEAHY. Deirdre Wilson Garton serves as the chair of the Planning Committee of the Federal Advisory Committee on Juvenile Justice at OJJDP. She's the chair of the Wisconsin Governor's Juvenile Justice Commission. She is also president of GartonWorks, Inc., a Wisconsin-based software development company. With all these, I must say, I appreciate you taking the time to come here. She previously served as a Deputy District Attorney in the Juvenile Division for, is it Dane County, Wisconsin from '93 to '96, worked on systems improvements with regard to abuse and neglect of children. She has her B.A. from Smith, J.D. from the University of Wisconsin.

Ms. Garton, please.

**STATEMENT OF DEIRDRE WILSON GARTON, CHAIR, GOVERNOR'S JUVENILE JUSTICE COMMISSION, MADISON, WISCONSIN**

Ms. GARTON. Good morning, and thank you very much for asking me to testify this morning about the reauthorization of the JJDP Act.

As a former prosecutor, my colleagues in law enforcement and I know that using evidence-based practices and programs works best for the prevention of delinquency. A significant body of research



tells us that. Title V of the JJDP Act, and its strong focus on evidence-based prevention, can have an instrumentally positive impact on delinquency prevention.

Using Title V, our State has made progress addressing one of the core requirements: disproportionate minority contact, or DMC. In Wisconsin, disparities occur in both the juvenile and the adult justice systems, and I can tell you that it's not an easy issue to address. Each community is different. What's happening at each discretionary decision point is particular to each community.

In the early 2000s, one of our SAG's pilot DMC counties, Rock County, had among the worst disparities in the State. At the same time, Federal funding was slashed by 50 percent. With the Title V grant, among other funds, Rock County put in place a comprehensive approach to analyze and reduce disparities using evidence-based detention, diversion, youth mentoring, and accountability programs. The results have been excellent, significantly reducing disparities. Indeed, Rock County just received an award from OJJDP for its work.

But the work isn't done. Rock County needs better coordination with law enforcement, improved substance abuse services, employment services, and in-home family services.

In another excellent program also recognized by OJJDP, Milwaukee County, in partnership with a community-based organization called Running Rebels, has used Federal funds from a SAG grant to develop a very successful in-community firearms offenders program that has cut the recidivism rate to half of those youth that are sent to corrections.

Yet, as Federal funds have been severely cut and earmarked over the last seven years, gains are reversing and correctional placements are rising, as illustrated by the chart in my written testimony on page 4. There are fewer treatment slots in the firearms programs and no new programs to meet the changing needs.

DMC is the top concern across the States, as identified by a majority of the SAGs, yet OJJDP's commitment to DMC has waned in the last several years. Successful programs like Milwaukee and Rock County aren't being evaluated for replication and little has been done to facilitate critical dialogue among schools, law enforcement, and juvenile justice system folks to promote innovations at the school level.

Why the waning focus on DMC? We don't know. The annual report to Congress required to be submitted by OJJDP has not been submitted for two years. OJJDP has not published regulations from the 2002 reauthorization. In the absence of clear reporting and regulations, OJJDP sets forth new interpretations of rules and regulations without SAG, State, or public input.

Furthermore, OJJDP's current focus on compliance with the core requirements of the Act have taken a non-supportive tone. Wisconsin has struggled with DSO—deinstitutionalization of status offenders—and has been penalized appropriately: 20 percent of our Title II funds. But other States, also out of compliance, have not been penalized. Why? It's hard to know without clear and consistent standards and transparent decision-making.

As I close, I hope you'll take away three major thoughts. First, the Federal juvenile justice partnership with the States is in dan-

ger from inadequate and misdirected funding, lack of focus on what works, and a deteriorating relationship with OJJDP.

Second, the DMC core requirement needs attention and support. We want to address DMC and so do other States. Third, the scheme the Congress fashioned in the JJDP Act was, and is, brilliant. Without the Federal/State juvenile justice partnership and funds I would not be able to report to you that, since 1995, Wisconsin's juvenile index crimes are down by 50 percent and their non-indexed crimes are down by 21 percent. That is building community safety. As a former prosecutor and a citizen, that speaks to me.

Thank you so much for the opportunity to testify this morning. I would be happy to answer any questions.

Chairman LEAHY. Well, thank you very much. Of course, your home State Senator — you've had both of your home State Senators here today.

[The prepared statement of Ms. Garton appears as a submission for the record.]

Chairman LEAHY. Ann Marie Ambrose is the Director of Child Welfare and Juvenile Justice Services at the Office of Children, Youth and Families, part of the Pennsylvania Department of Public Welfare. She supervises child abuse investigations, provides technical assistance for public and private agencies. Before assuming this position, she worked as an advocate for youth in the juvenile justice system in Philadelphia, where she spent 13 years as an attorney for the Defender Association. She received her J.D. from Emory University Law School, as did my oldest son Kevin.

Please go ahead.

**STATEMENT OF ANN MARIE AMBROSE, DIRECTOR, BUREAU OF CHILD WELFARE AND JUVENILE JUSTICE SERVICES, HARRISBURG, PENNSYLVANIA**

Ms. AMBROSE. Good morning. Thank you for the opportunity to be here today to represent Pennsylvania, as well as juvenile justice administrators and advocates on the criminal importance of the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

JJDPA requires every State to have a State advisory group. In Pennsylvania, the establishment of our State advisory group, the Juvenile Justice and Delinquency Prevention Committee, has provided tremendous leadership and commitment to improving the juvenile justice system and to provide a consistent focus on delinquency prevention.

Pennsylvania has used our Federal dollars well through the efforts of our SAG by promoting public protection, while protecting youth and providing them with life opportunities. Our SAG has accomplished a great deal with a relatively small amount of JJDPA funding. Additional funding would enable the SAG to continue to promote juvenile justice and delinquency prevention reform.

Pennsylvania has a proud history of full compliance with the core requirements of the JJDPA. We believe in the fair, humane, and just treatment of all youth in the juvenile justice system. We believe that all youth have potential to be productive systems

through our juvenile justice mission of balanced and restorative justice.

Through the years, our committee has used the goals of the JJDPa and critical Federal funding as a springboard for juvenile justice reform that has become a national model. Devastating cuts in Federal funding over the last few years have forced the committee to reevaluate our work and focus even more on prevention, as well as sustainability of our programs.

Our priority areas are aligned with other States. Pennsylvania is part of a national organization of State youth service agencies called the Council of Juvenile Correctional Administrators, which has taken the lead on providing training and support on many of the critical issues in juvenile justice today.

Across the country, juvenile justice leaders are working to educate elected officials and policymakers about youth development and explain that empowerment models of treatment for delinquent youth are not inconsistent with, but in fact complement, community protection.

Pennsylvania's key priority areas for improvement are evidence-based prevention and intervention practices, disproportionate minority contact, after-care, and behavioral health. Since 1998, our SAG has invested in over 160 evidence-based prevention and intervention programs, such as multi-dimensional treatment foster care, functional family therapy, and multi-systemic therapy.

In the absence of any good research that establishes that public safety is enhanced by prosecuting juveniles in adult court or placing them in institutions, Pennsylvania has invested in supporting youth and families in their communities.

In 2003, our SAG's priorities became the basis for our work with the McArthur Foundation's Model for Change initiative. Pennsylvania was chosen as the first State to participate due to its favorable reform climate and leadership's interest in accelerating the pace of juvenile justice reform. Having a strong State advisory group was a key factor in Pennsylvania's selection.

Pennsylvania has created a rich continuum of care for youth in the juvenile justice system. A range of options are available to place youth in the most appropriate setting based on a balanced and restorative justice framework.

I am proud to say that, given Pennsylvania's size, we only have 600 or so secure placement beds. Pennsylvania continues to evaluate whether we can continue to decrease the use of placement and increase the use of effective community-based programs without compromising community safety. In 2005, of 45,504 delinquent dispositions, only 3,487 youth were placed in out-of-home care.

Much of our good work has been built around the core protections for children found in the JJDPa. Those protections should be maintained and strengthened through the JJDPa reauthorization. Pennsylvania's work, like that of other States, has been made increasingly difficult because of significant cuts in Federal justice funding.

Despite this significant decrease in funding over the years, the Federal office must have a critical role in advancing juvenile justice reform. OJJDP should be charged with not only holding States ac-

countable for adhering to the goals of the JJDPa, but for providing technical assistance to States in order to achieve those goals.

Set funding should also be made available for States that are able to demonstrate the ability to create innovative and effective local initiatives that provide treatment to youth involved in the juvenile justice system, while keeping communities safe.

I hope that I've been able to communicate the critical importance of the reauthorization of the JJDPa. It has helped create a synergy in Pennsylvania's juvenile justice system that recognizes the need to provide the opportunity for redemption of our troubled youth, while valuing the importance of community protection and the community's critical role in achieving youth redemption.

Chairman LEAHY. Thank you very much, Ms. Ambrose.

[The prepared statement of Ms. Ambrose appears as a submission for the record.]

Chairman LEAHY. Our next witness is Chief Richard Miranda, Chief of the City of Tucson Police Department in Tucson, Arizona. Chief Miranda is, as many of us like to see in law enforcement, someone who started in the ranks as an officer in the City of Tucson Police Department. During the 30 years you've been there, you've seen it grow and change substantially. It's one of the fastest-growing cities in America.

You became Chief. You administer a staff of over 1,300 employees. He's received both the Distinguished Medal of Service and the Distinguished Medal of Merit. He received his B.A. from the University of Arizona, his M.A. from Northern Arizona University.

Chief, I'm delighted you took the time to come and join us today. Please go ahead.

**STATEMENT OF RICHARD MIRANDA, CHIEF, TUCSON POLICE  
DEPARTMENT, TUCSON, ARIZONA**

Chief MIRANDA. Thank you, Senator. Thank you for the opportunity to be here today to represent the men and women of the Tucson Police Department and address you about the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

In my position as Chief of Police, I am not intimately familiar with the more technical aspects of the Act, but I do know from a practitioner's perspective about the crisis of over-representation of young people of color in our justice system. Our offices are on the front line of dealing with youths, families, and communities, and there is no doubt that a majority of the youth and families that are being served by our local justice apparatus are youths of color.

Indeed, in Tucson, issues of crime as they relate to race, ethnicity, and incarceration are important to all members of our community. In Tucson, youth of color comprise 47 percent of our court-aged population, but are detained at a rate of 67 percent. My department has been participating with the cooperation of stakeholders that came together to analyze the root cause of this dynamic.

Police, prosecutors, probation, public defenders, schools, community service providers, and the courts have engaged with the W. Haywood Burns Institute and the Juvenile Detention Alternatives Initiative to determine whether this over-representation is offense driven or the result of other factors.

While there is no doubt that poverty and related issues outside the control of law enforcement can be significant contributors to delinquent behavior, we in Tucson wanted to examine whether the processes, policies, or strategies that we have in place exaggerate this over-representation. With that knowledge, we could be better able to serve our community.

The members of the Tucson Police Department serve the community with pride and distinction. The successes we have achieved in policing have a foundation of trust and partnership with all the members of our community. I have the opportunity to lead a police department that, on a daily basis, demonstrates that your race, ethnicity, place of residence or birth does not determine the way justice is served.

By oath, we are sworn to uphold the Constitution of this great country, and we believe strongly in the rights guaranteed to all. It is because of that great affinity for our Constitution that we have embarked on this project. It is our responsibility that we as law enforcement officers hold ourselves accountable to make sure we are doing everything we can to assure our communities that we are fair and equitable in our administration of the law.

I am proud to tell the committee that we are the first police department in the country to engage in this level of examination. Hopefully, with the results of the project we will develop strategies that will conduct processes and put all young people on the right track to becoming contributing citizens of our great communities and cities.

With the successes that I know we will achieve by participating in this project, you will provide incentives to other cities to follow our lead and develop systems of analysis.

We are in an early phase of this analysis, and by the end of the month we will sample officers. From the sampling, we will conduct a comprehensive examination of the Tucson Police Department in our acts with children and provides families with whom we come in contact or provide service. With this initial review, we will be able to enhance our commitment to innovation and responsiveness to the issues and problems that face not only our community, but our great Nation.

The youth of our great country deserve a commitment from us that we will make every effort to assure prosperity in the future. Therefore, I look forward, in 2008, to enhance our partnership with the Burns Institute in furthering and expanding this project to cities so as to reduce the amount of juvenile crime in our country.

In closing, all law enforcement officers take an oath that commits them to the expectation of fairness and a lack of prejudice in the administration of justice. I am confident that we in law enforcement are taking every step possible to meet that expectation, and on a daily basis police officers throughout the country demonstrate that dedication to office.

However, introspection and innovation must be the tenets that are part of every police department's charge. When issues and problems come forth from our community members, we must be responsive and develop conduits of communication that reflect remedy towards enhancing the quality of life for all of our citizens, irrespective of race, ethnicity, or side of town they reside in. Through

the extension of funding of the Juvenile and Delinquency Act, we in law enforcement can continue to meet the mandates and goals that are making our Nation's youth contributing members of our great country.

[The prepared statement of Chief Miranda appears as a submission for the record.]

Chairman LEAHY. Thank you very much, Chief. I want to get back to you on a couple of the issues you raised.

I'm just going to ask a couple of questions and then turn this over to Senator Kohl, who is the lead on this in the committee.

Mr. Bilchik, I want to ask you, and I'm going to ask Ms. Ambrose—I'm asking both of you this question, and you can understand why. We originally intended this Act to have age-appropriate treatments and punishments for juveniles rather than being placed in adult jails. How do we do this? Especially, how do we do it in rural areas? Is there a difference in the difficulty of doing it from urban to rural areas? Mr. Bilchik, why don't I start with you and then go to Ms. Ambrose?

Mr. BILCHIK. In answering the question about how we make sure that we are doing age-appropriate interventions, I should note that we are at such a different place, Senator Leahy, today as to where we were 10, 15, or 20 years ago in understanding evidence-based practice on a developmental arc.

What we do, particularly for young children; what we do for adolescents; what we do for older adolescents; we have that knowledge now. The question is, are we willing to make the investment in that knowledge and work in partnership with States and localities to carry out and bring that to life?

What's happened in recent years, in that we've seen the crime rate trend line going down, is a distraction. We've lost our focus on taking that level of knowledge and applying it in partnership with the Federal Government, State government and local government; with private and public investment in those strategies. I think if we did that, we would have much greater success in seeing those age-appropriate interventions come to life.

The recent research that has come out from the CDC really confirms what we've known for years, which is that the transfer of young offenders into the adult court, into the adult prisons is counterproductive. We seem to have had this "ah-ha" moment with the release of the CDC report, but some of that research has been in place for 5 or 10 years already, some of it funded by OJJDP. So we know that transfer is counterproductive. We know what works in treating kids in the juvenile justice system. We need to get more serious about it and maintain those investments.

In terms of your rural and urban question, there are countless examples where, in rural communities with the proper resources, they've been able to deliver those services through a variety of mechanisms. So when I talk to different communities about what works and what doesn't work, I like to cite what has been done, for example, about jail removal in relation to the Dakotas and what they've done around serving the kids in more rural areas; Indian Child Welfare issues, Indian tribal issues and juvenile justice. Some of those rural areas have really excelled in how they've worked with those young people; with a focus and commitment.

Chairman LEAHY. Ms. Ambrose, what do you say about that in rural areas? Thank you, Mr. Bilchik.

Ms. AMBROSE. I would agree with everything that Mr. Bilchik has said. In rural areas, I think it goes to the partnership that needs to be done between the Federal Government, the State government, and the local community. If folks are getting together, they're going to find a solution to this problem because it's the right thing to do for kids.

The evidence is overwhelming that this has not been a good public policy and that we really need to work with prohibiting any youth from being held in adult jails. I think if we do create a partnership and a communication at those levels, the local folks are going to be willing to come up with a solution to the problem.

Chairman LEAHY. Is it an over-simplification or does it kind of hit it to say you can pay now or you can pay later?

Ms. AMBROSE. No. I absolutely—

Chairman LEAHY. If you pay now you might pay a lot less than what you pay later.

Ms. AMBROSE. Absolutely. I think the evidence is overwhelming with the community-based programming, that if you invest in multi-system therapy and functional family therapy, the outcomes 10 years later are going to be overwhelming, both in cost savings and community protection.

Chairman LEAHY. And Chief Miranda, as I was reading over your testimony last night and looking through some of this material, you talked about the partnership with the W. Haywood Burns Institute on the Juvenile Detention Alternatives Initiative to address—and you did in your testimony—the disproportionate number of minorities in the juvenile justice system.

Yours was the first police department in the country to undertake such a detailed examination. I think that's very commendable. But what made you decide to do that? What prompted it? Was there a sudden moment, or was it something that became cumulative? What was it? The reason I ask, is I suspect that as a result of these hearings, some other departments may be looking at what you did.

Chief MIRANDA. Senator, like I think all members of this panel have, I have a lot of contact with the youth in our community and I see that a lot of the Hispanic and black kids were going to jail in greater numbers than the white kids. Knowing some of these kids and knowing the families, I wanted to find out what the root causes of this over-representation was all about, because these kids have a valuable future in front of them and I wanted to be part of enhancing or being a conduit so that they could become productive citizens.

The bottom line is, I just can't arrest away our problems. There have to be other alternatives, there have to be other processes to get these kids on the right track. If participating in this project exposes some of the issues in the department that are contributing to this over-representation, the outcomes will be good for the community.

Chairman LEAHY. I'm struck by that expression you just used: "I can't arrest away the problem." If there's one thing I learned during my years as a prosecutor, it is exactly that. I think every police

officer I ever knew said they'd much prefer that crime never happened than the ability to arrest after the fact. It would be a lot better off for the whole community if it doesn't. I may be following up with you.

My time is up. I'm going to turn it over to Senator Kohl. I didn't want Ms. Garton or Ms. Flores to think that I was not interested in your testimony; I am. This is a matter we've wrestled with in our State. I did when I was prosecutor. We are not a State with a large number of minorities. In fact, we have probably the lowest percentage of minorities of any State in the country. But I am prompted to call a couple of our chiefs, at least, in the areas where we tend to have minorities and ask if the same thing has happened.

Senator Kohl, thank you very much. You're in charge.

Senator KOHL. Thank you very much, Senator Leahy.

Well, folks, as we all know, the Juvenile Justice and Delinquency Prevention Act's two primary components are prevention, as well as rehab. While putting young people on the right path after they have run-ins with the law is very important, we would all prefer to keep them from getting into trouble in the first place.

Title V, of course, is the only Federal program that is dedicated exclusively to juvenile crime prevention, and most of us strongly believe that the evidence-based prevention programs that it funds work very well, as well as being cost-effective.

Many of you touched on the importance and effectiveness of prevention programs in your opening statements. You who work at the State level and local levels see the prevention programs as they work at the ground level. So, tell us, what have we learned about prevention programs since the last reauthorization of 2002? Do we indeed have a better sense of what prevention programs are the most successful? Ms. Garton?

Ms. GARTON. Well, I can talk about the Wisconsin experience. What I can say is that it's a little difficult to answer the question because the amount of money actually flowing into the State for specific prevention programs, in using the Act's paradigm, has been so drastically cut. In the last few years, Wisconsin has only received \$50,000 for all of its Title V funds.

So, nevertheless, the kinds of programs that do work are the sorts of programs that I highlighted in my testimony. Certainly Rock County DMC, comprehensive approach to disproportionate minority contact, would be one example. What is so critical, I think, about that and how it is supported by what OJJDP has done in terms of technical assistance, is bringing together the community, the justice stakeholders and the community stakeholders, to do the planning, the data analysis, and then to actually use that analysis to develop, program, and target the folks who need the help.

So I think it's that combination of community stakeholders and data analysis which has been supported by the kind of technical assistance that has come from OJJDP. Those are the linkages between OJJDP and how important they are, funding, as well as the kind of evidence-based paradigm that Title V represents.

Senator KOHL. Mr. Bilchik?



Mr. BILCHIK. To provide more of a national overlay to that response, which I think is right on target, I think that what we see that is effective in prevention are programs that respect the different dimensions of young people's lives. I mean, there's science behind this, Senator Kohl, that we've known for a while, that if we pay attention to a young person's developmental stages and issues with school, family, peer group, opportunities for excelling, development of skills, that we are successful in reducing delinquency.

It's one of the reasons why Congress has invested in the JJDP Act, why we invested in Title V, why we invest separately in some community-based programs like Boys & Girls Clubs, Big Brothers and Big Sisters. We need to make sure, though, that we keep a focus on engaging these young people where they live, that we can't think that we're somehow going to wait for a magical moment in time and say, well, this child is in enough trouble, we need to move them to this special place and care for them.

We need to pay attention to those elements in their lives. Every one of the successful programs that we point to in the science respects those individual elements of family, community, peer group and school, as well as the individual young person's life challenges they're facing, and those are the reasons they've had success.

Senator KOHL. Ms. Ambrose?

Ms. AMBROSE. The only thing that I would add is that, in Pennsylvania, what we found is that fidelity to these models is very important and sometimes an initial investment in creating and building up the infrastructure and the staffing that's necessary to provide these services the way the research says they should be provided requires more funding than we're able to put forward as the State itself. So, obviously the support of OJJDP and the initial funding is a very critical example.

The other thing that we're working on in Pennsylvania is building a center for evidence-based practice so that we can bring that research and that knowledge and that technical assistance to the local communities and do exactly what Wisconsin has done and what Mr. Bilchik has referred to, which is involving the schools, involving the families, involving the communities and solving the problem, because locking up kids is not the answer.

Senator KOHL. Thank you.

Chief Miranda.

Chief MIRANDA. Well, Senator, I think that the panel has described the science behind trying to keep these kids out of trouble. It's fairly basic for me, is to demonstrate to them the opportunities in life that exist and put them on the right track, whether it's getting involved with a social service agency such as a Boys Club, or a group like that, that demonstrate to them what the problems will be if they do get in trouble, because sometimes it's not very observable to them, what crime can do to them and how it can affect their lives and their families' lives. So when you invest in those kinds of issues and put some money behind it and some process behind it, I think it becomes observable in terms of what the right track should be for these young people.

Senator KOHL. Thank you.

Mr. Flores, given how these previous dollars are used—I think a pretty unanimous opinion—so well at the local level to reduce the

level of juvenile justice and to improve the quality of prevention and rehab, and understanding that these dollars on the whole are really a pretty small part, an infinitesimal part, of the Federal budget. What is the point of reducing assistance, and what is the message that we're sending when we reduce assistance to these important juvenile programs?

Mr. FLORES. Senator, thank you for that question. As I look at the budgets and as I look at the core requirements and the scheme that is contained within the JJDP Act, as I said in my testimony, I believe that they are important and need to be continued. I look at the OJJDP's annual budget as almost a magnet. One of the things that we've done over the past several years is made an additional investment to try and really leverage resources from other departments.

For example, in 2005 we provided \$2.5 million to the governor's office in Wisconsin to work to address gang issues in Milwaukee. We did the same in three other States, to really try to run a pilot. That was predicated on the concept that the local community knew best how to address their needs, but what they lacked, really, was flexibility.

So my hope is that as Congress takes a look at reauthorization, it will assure that in the future there is flexibility so that when those dollars go out, whether they be Title V, which is the only dedicated source of funding for strictly prevention programming, that it also take a look at the other parts of the Act to make sure that those dollars can be driven down to the local community and really put to use alongside other dollars.

So, for example, we have attempted to support the issue of truancy. Why? Because we understand, if we want to really address the needs of kids, we want to make sure that they're in school, that it's a place for them to learn, it's a very safe place for them to be, then we can leverage programs off of those dollars that are already committed in the school system.

We have brought, through the gang initiative and through other efforts over the past several years, the business community. We really are trying to push down concepts of early intervention that's consistent, which engages parents, and which is well organized.

One of the things that I believe is really important, especially in rural areas, is that we provide to rural States and States with large geographic boundaries the ability for them to map their resources and really understand what programs already work. There's a model programs guide. There is a new Web-based site that States can use today to take a look at where resources are currently located, the needs in the community, the level of community disadvantage.

So with those, the dollars that come out of OJJDP that the Congress puts into that account really act as a magnet. We can leverage off those dollars as we've done very successfully, and a tremendous amount of work has been done by the States in taking those dollars, matching them with State funds, and then also finding ways to leverage nonprofit organization work that is already going on, and philanthropies that are currently also interested in this work. So, again, I would urge the Congress, when it looks at the

reauthorization, to assure that there's really some flexibility in how these dollars are spent.

Mr. BILCHIK. Senator Kohl?

Senator KOHL. Go ahead.

Mr. BILCHIK. If I could respond to Mr. Flores' response. I think he hits on an important note, that many of the funds that OJJ puts out are a magnet. What's happened over the last number of years, however, is that it has become a smaller and smaller magnet. It's hard to draw people's attention. It's hard to draw their partnership when you're offering less and less in terms of your investment and in terms of your leadership. That is not a personal comment about Mr. Flores. It's about a set of dynamics that have existed these last few years that have limited and begun to dismantle some of the functions of OJJDP. This reauthorization provides Congress clear opportunity to say to the administration, say to the field we understand the importance of this office, we understand the importance of this Act, it's a living, breathing document that we need to make sure we bring to life each and every reauthorization.

Senator KOHL. Before we turn to Senator Specter, in response to you, Mr. Flores, juvenile justice programs, five years ago, received \$556 million. This year, the administration is requesting just \$250 million for juvenile justice programs, which is more than a 50 percent cut over the past five years. Notwithstanding everything you've said, that's pretty staggering. To me and to many others, it represents a statement—I don't know how else to interpret it—with respect to the level of importance that this administration attaches to Federal assistance for juvenile justice programs.

Senator Specter.

Senator SPECTER. Thank you, Mr. Chairman.

This is a very important hearing and we appreciate your coming in. You should not draw any conclusion that the paucity of Senators here is any reflection on the importance of the matter. This is a very busy place. I have to excuse myself in a few minutes. We're confirming the Secretary of Veterans Affairs while this hearing is going on, and there are many, many matters which are pending.

The issue of juvenile justice and taking care of the young people to try to lead them out of a life of crime is a very, very vital subject. The first committee chairmanship I had after being elected in 1980 was to chair a subcommittee, which I did for six years. The experience which I had as District Attorney in Philadelphia persuaded me that there was a way to deal with the crime problem. I believe you need to segregate out the career criminals that have life sentences, and three or more violent offenses—burglary, robbery, rape, drugs, found in possession of a firearm. The law provides for a life sentence.

We find that 70 percent of the crimes are committed by recidivism. Then we have first and second offenders. This committee has turned down a bill called the Second Chance Act, which was designed to give offenders who are not juveniles a second chance. It's geared to realistic rehabilitation.

There's no surprise, if you release a functional illiterate from jail without a trade or a skill, he'll go back to a life of crime. Juveniles are the most important if you catch them at an early stage. We see

the crime statistics in America today. They're overwhelming, with 400 homicides in Philadelphia last year.

As outlined in my opening statement, we're looking for mentoring. When you talk about curing the longstanding problems of violent crime and the underlying causes of crime with education, housing, and job training, you're talking about a very difficult matter. I regret to say that there's not been any progress on that since the days when I was District Attorney decades ago.

But what we're trying to work with, is mentoring. We find that a lot of these at-risk young people come from family with no father and a working mother. If we can team them up with an adult who can give them some guidance, I think it could have very positive short-term benefits. Toward that end, we have made \$25 million available to five cities, one of which is Philadelphia. The Labor, Health & Human Services bill has \$1 million for Pittsburgh. I've held hearings on this subject all across the State. Reading, Pennsylvania is the 21st most dangerous city, which is an accolade that ought to be changed.

Ms. Ambrose, let me start with you. Thank you for the work that you do at the Bureau of Child Welfare and Juvenile Justice Services. You've been Director for the Commonwealth of Pennsylvania. How would you utilize existing funds that will provide a rifle shot and more mentoring for these at-risk youth in our State?

Ms. AMBROSE. I think that mentoring can be a very effective prevention program for youth who are truant. I think they are early identifying factors for kids who are most likely to get involved in the juvenile justice system, and mentoring could be a very important resource for some of those youth who are identified in school.

Senator SPECTER. How about the funding? The governor has a lot of surplus money, I know that. How about finding some of it? You know, I gave Governor Rendell his first job out of law school?

Ms. AMBROSE. I did not know that, Senator.

Senator SPECTER. He was a promising young law student at Villa Nova. Now he's governor of the State, making a lot of promises.

Ms. AMBROSE. That was a good call, I think.

Senator SPECTER. A good call? I made him chief of the Homicide Division and made him famous, and he got to be mayor of Philadelphia, then governor.

Well, you join my voice. I've talked to him about it to see if we could get some more of the State resources to mentoring.

Mr. Flores, you have referenced mentoring specifically in your opening statement. My time is just about to expire. The good fairy has given me additional time. Thank you, good fairy.

Mr. Flores, how would you approach the mentoring issue?

Mr. FLORES. One thing that has to happen, is that we need to bring a little bit more order. There are mentoring programs scattered across the entire Federal Government, so the Coordinating Council has provided funding to the Departments of Health and Human Services and the Corporation for National Community Service to put together a Federal Mentoring Council. That council, for the first time, is keeping oversight over all of the different disparate mentoring efforts that are under way, whether they're funded under OJJDP or the Department of Health and Human Services Children's Bureau.

I would say that one of the key parts, though, is really engaging the minority community. I have engaged in extensive conversations with the Hispanic National Bar Association, the National Bar Association, the American Bar Association, and just recently —

Senator SPECTER. How about the non-minority community?

Mr. FLORES. Well, they currently represent by far the largest number of adult mentors that are currently participating. Our work with the national office of Big Brothers, Big Sisters, as well as working with faith-based, small community organizations to get their members out of those buildings and really to partner, is really key. I think that part of what has to happen, is more education has to go out to what would be considered non-traditional partners.

Senator SPECTER. I'd like to stay longer with this very distinguished panel, but I have to go to the Veterans Committee where we're confirming the Secretary of Veterans Affairs.

But my very able lawyer in this committee, Ms. Lisa Owings, has prepared some really tough questions for the record, so I'm going to submit those questions to you to get the benefit of your thinking. Thank you very much for coming in.

Thank you, Mr. Chairman.

Senator KOHL. Thank you very much for being here, Senator Specter. Talking about Title V prevention programs, as we know, funding has been on a serious decline. Last year, Title V received only \$64 million—that's for the entire country—which was down from \$95 million just five years ago, which is a 33 percent cut. That a successful and critically important program like Title V receives such little funding is deeply troubling. I know that our local communities can leverage this funding to accomplish great things, but I find that the diminished funding for this program is very, very disappointing.

Before we turn to the others with respect to how these cuts have impacted their communities, again, Mr. Flores, what's the point? What kind of a message is this administration trying to send?

Mr. FLORES. Senator, OJJDP and the Department, as well as the Administration, are absolutely committed to the safety and well-being of children. If you take a look at the work that's been done under Title V, whether it's anti-gang work, whether it is under-age drinking, work in the communities across the country, whether you talk about the work that's been done in tribal communities, one of the things that those dollars provide is a point of leverage, but they do require that States and communities come together to make the most of those dollars.

One of the opportunities that we have before us with respect to Title V is model programs guides. One of the things that we're committed to doing is making sure that money is not wasted. There's been a tremendous amount of research done. There's been a tremendous amount of documentation now and data collected that gives us a very good idea of the programs that are very effective. So those programs, that technical assistance is available to the States.

I would ask, certainly, that as you consider the reauthorization, one of the things that's been very helpful are the set-asides that Congress included in the JJDP Act. I'm not sure whether or not Congress intends to change those percentages, but they provide us

with tremendous flexibility to work with States, work with communities to help them identify resources.

I will say that in Richmond, Virginia, for example, we worked with them on gang issues, initially because we chose a very, very challenging neighborhood in which to work. The initial feedback was, there are no resources in this community. If we had those resources, we would have already put them to work.

As a result of technical assistance and assistance with a mapping tool, the community was able to identify hundreds of resources, not just financial resources, but business opportunities, foundations, places where now kids are getting summer scholarships, where they're being employed. It's really turned that situation around, so that now they're much better able to leverage existing programs that are funded through OJJDP, Boys & Girls Clubs, mentoring programs.

We've also been able to attract—and I think this is key—the health and hospital system in the City of Richmond. By bringing those resources in, we now have an opportunity to address not only what people may think is the appropriate target, teenagers, but we can work with moms who are 13, 14, 15 years old and now find themselves with a baby. So as opposed to waiting for that to turn into a substantial problem, children to be hurt or girls dropping out of school, now the City of Richmond is able to really begin to push.

That comes as a result of partnership and it is a testament to the fact that even small amounts of dollars, when used effectively and leveraged through TA, can really make a big difference in the community. So, I would hope that that flexibility would continue.

Senator KOHL. All right.

Any of you else? Ms. Garton, Ms. Ambrose, Chief, if you'd like to comment on these cuts and the impact they've had on the programs that you're trying to get off the ground and see perpetuated?

Ms. GARTON. Yes, I would, Senator Kohl. Thank you.

I would just like to highlight a program in Wisconsin that the SAG initiated which is called What Works Wisconsin. We commissioned a report to be written by our partners at the University of Wisconsin to mirror, to some degree, the work that had been done by the Washington State Public Policy Institute on cost-effective programs. We have been disseminating the results of that research over the last two years in the State through trainings and a series of research-to-practice briefs.

We've recently done a survey of all of our grantees in the State of Wisconsin and they are begging for help to use evidence-based programs. Getting technical assistance down to the county level and down to the Departments of Human Services, to the schools, to the law enforcement agencies to help shape these programs, costs money, and with only \$50,000 coming into the State, there is no infrastructure that we're able to develop to actually make that happen.

I was very thrilled to read about the project in Pennsylvania that's going to be developing a center around evidence-based services and helping counties to implement them. Without that sort of help to counties, they simply don't have the wherewithal to be able to make those changes to their programs.

Senator KOHL. Ms. Ambrose.

Ms. AMBROSE. Yes. I mean, the reason that we've really had to build the Center for Evidence-Based Practice is because we've had to replicate what I think OJJDP used to do, which is provide the research and technical assistance that's necessary to help the States and local governments get these programs off the ground.

What we've seen in Pennsylvania is that many of these providers who have the very best of intentions in providing the service at a local level need a lot more technical assistance because real sustained attention to fidelity of the model is the key to successful outcomes in these programs.

So without the support of OJJDP, Pennsylvania has been forced to use our own funding, in addition to some small Federal funding, to really create that resource in Pennsylvania. That's a difficult thing to do, and it seems to be a replication and a duplication of what really the Federal Government could be doing, and has done in the past.

Senator KOHL. Chief Miranda.

Chief MIRANDA. Senator, I think the biggest issue in terms of crime and in terms of us as a Nation dealing with it, is complacency. There have been drops in crime over the past few years, and with that the programs and initiatives that had been in place, I think, can be deemed as being successful. But when the funding dries up, when it dwindles, there's an expectation by communities to continue to be aggressive and to continue to make our communities quality places to live.

So whatever programs that we have in place have to be supplemented because there's an expectation that we are going to make our communities safe, and it impacts us in terms of our operating budgets and in the government in terms of providing other services. So, in general, there are a number of programs that have been put in place and we've had to subtract from them and supplement them from our own funding, but overall it impacts the operation of our police departments. So again, with the drops in crime, I think the issue of complacency has become the paramount factor that we have to consider.

Senator KOHL. Thank you.

We talk about prevention, of course, and it's very important. But the other important element is getting kids back on track. Once they have had run-ins with the law, intervention and treatment at an early stage, as we all know, will help to prevent further violent behavior and steer young people in the right direction before it's too late. That is true as a general matter, but not true in every case. What can the Federal Government do to help more effectively dealing with violent serial juvenile offenders? Do you want to tackle that one, Chief?

Chief MIRANDA. Senator, I believe that there are some criminals out there who need to be put away and locked up to keep our communities safe, but I believe that there are a number of young people out there, if put on the right process, could be contributing members to our society. As I said before, just arresting them and putting them in jail hasn't worked and we must develop processes, programs, and initiatives that analyze what works and put those practices into place.

We talked about mentoring. One of the comments that I wanted to make is that people that are in prison and people who are in gangs understand that concept and they are mentoring these kids, but they're mentoring in the wrong way. So an investment in terms of those kinds of programs, those kinds of initiatives that take them away from the criminal element and put them on the right track is the answer from me in terms of where we should be putting our dollars.

Senator KOHL. Ms. Ambrose.

Ms. AMBROSE. Thank you. There's actually a very important study that McArthur has invested in called Pathways to Desistance. It's a study comparing Phoenix youth and Philadelphia youth. It hasn't been completed, but it's been going on for about six years, analyzing those kids who have been chronic violent offenders in both of those cities and trying to gather some data about what it tells us about what works about the system, and maybe what doesn't.

One of the findings is that it's a relatively small percentage of youth who are going to become persistent, chronic, violent offenders, about 7 percent. I think what's important that we do in Pennsylvania, is we're trying to use assessment and evaluation tools to help identify who those youth are and make sure that the community protection issues exist for only those kids who need it.

For the other youth, we really should be looking at their individual needs and creating a continuum of care that responds to those individual needs by looking at the family and the community and the school and using those community resources to build a program that supports that youth, and only when there's a community protection issue should a youth be put into a secure setting. That's really important. I think that using research to identify what resources need to be available in a community based on those youth is something that should be supported by the Federal Government.

Senator KOHL. Thank you.

Ms. Garton?

Ms. GARTON. Yes. I agree with everything that the other members of the panel have mentioned, but I would suggest that even for youth that have been placed in correctional facilities, who are arguably some of the most violent offenders, even those youth can be turned around. We have a very successful program in Wisconsin called the Mendota Juvenile Treatment Center program, which is housed in one of our mental health centers.

The youth correctional folks will refer the kids who are the least able to adjust to the institution to this program because of violent episodes, usually within the correctional facilities. These kids are clearly some of the worst kids that we have in the State of Wisconsin.

The programming that has been developed, the protocols that have been developed by the Mendota Juvenile Treatment Center program, have had tremendous results. It's been in place for almost close to 10 years now. They've done effectiveness studies, as well as cost-effective studies.

For me, the most compelling statistic that comes out of that program is that in a study of similarly matched kids, some who received the treatment, some who remained only in the correctional



institution, that of the kids that remained in the correctional institution, within a six-year period, 18 homicides were committed by those kids. The children, the youth that had received the treatment at Mendota, there were zero homicides.

To me, that tells you that children/youth are malleable, they can be changed. The kind of research that they're doing right now at Mendota is focused on the reduction of cortisol levels in the children/youth's —

Senator KOHL. Those programs cost some amount of money. Is that right?

Ms. GARTON. It costs more, yes.

Senator KOHL. Mr. Flores? Mr. Flores, if you have any doubt, express it. She said the program, those youths that received no treatment were responsible for 18 homicides; those youths that went through a program were responsible thereafter for zero. Now, I'm not suggesting this is necessarily a national kind of a statistic, but it's meaningful. She believes it. What is your answer to her? It costs money.

Mr. FLORES. Senator, these programs do require resources, there's no doubt about that. The Department of Health and Human Services, through SAMSA, provides funding. It's not just the OJJDP money that we need to be talking about here. I think it's important for Congress, as it takes a look at these expenditures, to continue to encourage the collaboration between SAMSA and the Administrator of OJJDP, to continue to work together to make sure those dollars are available.

I would add, because I want to make sure it's clear here, we start from the proposition that detention is really something that's only appropriate in those cases where we have a public safety issue. We get much better benefit, both to the general public as well as to the youth who are in the system, when we intervene very early with something that matches the kind of event that we're talking about.

We do have a situation where there are some communities where kids are not paid attention to until they become a seasoned criminal or they've done something major. Balance and restorative justice principles programs, such as Youth Courts, ways of making sure that intervention is early and that penalties are in line, all of those send the appropriate messages to those minors, that we're going to get engaged, you're important, you matter.

So I share Deirdre's concern here that we need to make sure, as we're looking at these youth, even where they have committed a serious event, we need to make sure that we're taking into account the fact that when you're talking about a 13-, 14-, or 15-year-old, we believe that these are kids who, except in the rare event, can be changed, can be taught, can have their behavior changed.

Senator KOHL. Then why cut funding?

Mr. FLORES. Again, Senator, this funding, even going back to five years ago and the level there, OJJDP was never viewed, I don't believe, by the Congress as a source of complete funding. We really were a place where we were responsible for spurring on novel efforts, really trying to bring innovation into the juvenile justice arena. We did it in partnership, and we've done it increasingly in partnership so that this year, for the first time, we've got grants that went out from the Department of Labor that address job train-

ing programs for kids who are leaving detention and aging out of foster care.

Those were decisions that were made in tandem by the Education and Training Administration over at Labor, together with members of my staff. So we're trying to bring those dollars together so that communities really, when they look at us, we want them to continue to look at OJJDP as a critical—and they're a most important partner, but also to remember that there are other agencies that can help.

Senator KOHL. Mr. Bilchik?

Mr. BILCHIK. I think the points that Mr. Flores makes are well taken. I go back to the proposition, though, that unless there is an adequate investment in the Office of Juvenile Justice and Delinquency Prevention, that it can't serve that role that he describes. The OJJDP has never been viewed, as he said, as the funding source for a majority of juvenile justice activities in local communities. That's true. But it grew in the '90s into a robust partner for States and localities.

With the funding that had been in place even at that level, which I would argue should have been increased more, it was able to play that role. It had a full cycle of activities involving research, training, publications, and demonstration programs. With that reduction of funding, they have not been able to do that. And further, with the dismantling of some of the functions no longer contained solely within the office, they also seem a less vibrant entity to rely upon as a partner.

So I'd have to say that any request that's a lower amount of funding is unconscionable in terms of fulfilling the mission of the office. It simply cannot do its work in light of that funding level and the dismantling of its functions.

Senator KOHL. Would anybody like to make a comment before we bring this hearing to a close? Anything at all on your mind, anything you'd like to say?

Mr. BILCHIK. I'd like to add one additional point, Senator Kohl.

Senator KOHL. Go right ahead, sir.

Mr. BILCHIK. I mentioned earlier that I think the Act and the office are living, breathing entities. Times change. Circumstances change and the Act needs to be revisited during reauthorization to look at those circumstances of change. We've seen a surge in kids transferred into the criminal courts. Most of them that are in the adult criminal court, either through transfer or original jurisdiction, are non-violent offenders. They're property offenders, they're drug offenders.

We need the office to be focused through reauthorization on that issue of young people put in adult jails under the age of 18 when they're not even convicted as an adult, even just pending trial. We need to look at some of those issues.

On the disproportionality issue that was spoken to so eloquently earlier, we need to ratchet up the provisions of the DMC requirement so the office is doing more to engage local communities in bolstering their focus and the activities they take around reducing the disproportionate confinement or contact of minorities in the juvenile justice system. Those are two that I just wanted to comment on in addition to what I had said earlier.

Mr. FLORES. Senator, if I could just make some comments.

Senator KOHL. Mr. Flores.

Mr. FLORES. With respect to DMC, one of the things that OJJDP has been, I think, extremely skillful in accomplishing is really through leadership, working with States to make sure that DMC continues to grow as an area of importance to States and communities.

In 2002, there were five State DMC coordinators. Now, 33 States have a coordinator that focuses on disproportionate minority contact. All of the States now have a plan. We are continuing to provide training and TA. For me, the DMC issue strikes at the heart of the justice system. It is an issue which, for any officer of the court—and as a lawyer I am one—really strikes at the issue of justice: is the system perceived of as fair? So I do want to assure the committee that this is an area of great importance to me, and has been a priority since I became Administrator in 2002.

Senator KOHL. Ms. Garton.

Ms. GARTON. Thank you. Yes. I would like to just echo the importance of the DMC issue right now. I think it is an issue that we, for example, in Wisconsin are going to have to face increasingly as the demographics in the State change. We know that in one county in particular, Allegheny County, that there is a shift in the population. What we would like to do, is get ahead of the problem. We have folks who are aware of these demographic changes and they want to get ahead of the problem, the Departments of Human Services, the law enforcement agencies. What they need is help in planning how to do that, so Title V money that focuses on that is really critical.

The very structure of Title V supports evidence-based activity. I think that you have to understand as well that if those evidence-based programs and services are to be translated into counties and cities and municipalities, there needs to be support in order to be able to do that.

Senator KOHL. Thank you.

Ms. Ambrose.

Ms. AMBROSE. Thank you. I think that one of the things I'd like to leave you with is the fact that there are many things that we know about what works in the juvenile justice system. OJJDP must take a leadership role in leading the efforts to implement those things at the local level. There's so much good research about what happens in detention and the JDAI initiative, and the fact that DMC is something that we know exists every day, in almost every jurisdiction, and we've been talking about it for 25 years but we've never really done anything about it.

So what I would encourage this committee to do, is not only reauthorize the JJDP, but really think critically about what needs to be put into the Act to strengthen it, because that's what's necessary. I think there are tons of excellent research out there about what we should be doing and what we shouldn't be doing, and that OJJDP needs to take a leadership role in monitoring what States are doing for youth in this country.

Senator KOHL. Thank you. We'd like to thank all of you who are here today and who have shared your thoughts and your experiences on juvenile justice. Your testimony, your comments, and your

thoughts will be very important as we work toward reauthorization. We will keep the record open for another week so that Senators can address questions to you and expect responses.

Again, we thank you for being here today. This hearing is adjourned.

[Whereupon, at 11:42 a.m. the hearing was adjourned.]

[Questions and answers and submissions follow.]

## QUESTIONS AND ANSWERS

December 28, 2007

The Honorable Patrick Leahy  
Committee on the Judiciary  
United States Senate  
224 Dirksen Senate Office Building  
Washington, DC 20510-6275

Dear Senator Leahy,

Thank you for the opportunity to testify before the Committee on the Judiciary on December 5, 2007. The following provides my response to questions submitted to me from members of the committee.

**Questions from Senator Leahy:**

**1. Recent reports detail the potential dangers of locking up juvenile offenders in adult facilities. What can we do in the Juvenile Justice and Delinquency Prevention Act reauthorization to make conditions safer for children in custody?**

Congress could extend the "Jail Removal" protections of the JJDPa to prohibit the placement of all individuals under the age of 18 in adult jails and lock-ups for youth no matter what court they are in – juvenile or adult criminal court.

Additionally, for juvenile detention and correctional facilities, I would recommend that the reauthorization of the JJDPa make conditions safer for children in custody by:

- (1) Establishing and supporting standards and programs that demonstrate effectiveness at keeping youth safe, provide rehabilitation services that work, and are continually reviewed and revised as more recent research and information becomes available.
- (2) Supporting efforts to monitor facilities, programs, and agencies to ensure they are keeping kids safe and providing rehabilitation. Rewards and incentives should be available for facilities, programs, agencies that continually improve how they care for and treat youths and have outcome data to demonstrate positive impact on youths' lives.
- (3) Supporting research on specific practices within facilities to develop evidence-based approaches similar to evidence-based research on community-based treatments.
- (4) Prohibiting the use of especially dangerous practices, including the use of chemical agents; use of pain compliance techniques; hitting, kicking, striking, or using chokeholds or

blows to the head; use of four- or five-point restraints, straightjackets, or restraint chairs; tying or placing in restraints in uncomfortable positions; periods of excessive isolation; restraining to fixed objects; restraining in a prone position or putting pressure on the back; using physical force or mechanical restraints (including shackling) for punishment, discipline, or treatment; and use of belly belts or chains on pregnant girls. These dangerous practices have been prohibited within the JDAI Detention Facility Self-Assessment, recommendations compiled by experienced attorneys, physicians, and psychologists who have seen the ill-effects such practices across the country.

**2. How might public attitudes, including those reflected in recent public opinion polling, and policy preferences based on experience and observations within the current juvenile justice system inform reauthorization of the JJDP?**

As part of the John D. and Catherine T. MacArthur Foundation's over \$100 million investment in juvenile justice reform through its Models for Change initiative, the Foundation funded two independent efforts to assess public opinion about crime, youth, and race that were just recently released in December, 2007. Attached are the polls for your consideration.

"Rehabilitation Versus Incarceration of Juvenile Offenders" is a summary of public opinion research on the public's "willingness to pay" for rehabilitation vs. incarceration. The methodology has some advantages over traditional polling, as the authors describe. The results demonstrate that the public clearly favors (i.e., is willing to spend significantly more money for) rehabilitation. The authors, Alex Piquero and Larry Steinberg, are part of the MacArthur Research Network on Adolescent Development and Juvenile Justice. "Potential for Change: Public Attitudes and Policy Preferences for Juvenile Justice Systems Reform" is a study conducted by the Center for Children's Law and Policy (CCLP) by the DC public opinion research firm Belden, Russonello and Stewart.

The poll looked at a wide range of issues, including attitudes on specific types of programs for delinquent youth, and (for the first time in any poll) attitudes on several issues involving Latino youth. The poll found that the public very strongly supports a range of rehabilitation programs (counseling, education, job training) over incarceration (78% vs. 22%).

The poll also found that the public clearly recognizes the potential of young people to change (an underlying theme of several of your editorials); that the public views eight types of treatment, services, and community supervision as more effective than incarceration (most by 90% or more); that the public favors keeping nonviolent youth (which is more than 90% of youth arrested every year) in small residential facilities in their own communities rather than in large distant institutions; and that the public believes that the juvenile justice system treats youth of color worse than white youth arrested for the same offense. There was strong support (more than 70%) for funding programs to help Hispanic youth who get in trouble with the law overcome the language barriers they face in the juvenile justice system. That is one of the biggest problems facing Latino youth and their families, and the poll was the first time the question has ever been asked of the public.

The public opinion polling underscores the recommendations in my testimony to utilize the JJDP to support effective prevention and intervention programs and to not support in-

effective programs such as boot camps and “Scared Straight” programs. For example, in Pennsylvania, we have utilized JJDPF funds to invest in evidence-based prevention and intervention programs such as Multidimensional Treatment Foster Care, Functional Family Therapy and Multisystemic Therapy.

**Questions from Senator Schumer:**

**1. Would the availability of formula grant funds to states to support pre-release planning and reentry services targeted to youth offenders be helpful to your state?**

Yes. Pennsylvania is currently in the process of developing a comprehensive aftercare system. Stakeholders in the juvenile justice system as well as others in related systems are working together to develop a model aftercare system for youth leaving delinquency placements.

It is important that returning juveniles who need to continue their treatment in the community have access to a continuum of services that have been demonstrated to be effective. Effective re-entry planning—which should begin *before* youth enter placement-- is crucial if they are to benefit from residential treatment programs and successfully return home. It is also a key element in promoting public safety and recidivism.

A comprehensive approach to aftercare will ensure that youth receive timely and appropriate social support in such areas as:

- (1) Enrolling immediately in school or have a job waiting for them.
- (2) Continuing the follow-up services that are required for those who received physical or behavioral health treatment while in care.
- (3) Having strong adult support from family or other caring adults.
- (4) Having sufficient attention paid to developing their skills while in care so that they can successfully return to their home and community.
- (5) And ensuring that all youth offenders understand and acknowledge the wrongfulness of their actions and the impact of their crimes on the crime victim and the community. Each child must recognize his or her responsibility for causing harm.

We are currently utilizing federal, state and foundation funding to launch this effort. Additional federal resources through the Juvenile Accountability Block Grant or other new federal programs could be instrumental in Pennsylvania’s ability to provide these vital services. The cuts in federal funding over the years have prevented us from expanding effective aftercare programming that has reduced recidivism rates for our most challenging youth.

**2. What role, if any, do your state’s courts play in reviewing the aftercare or reentry plans of youth offenders exiting the juvenile or criminal justice systems?**

[Needs to be checked – we do not have the answer to this]

**Questions from Senator Kohl:**

**1. What would it mean for your state to receive a large infusion of Title V funds?**

While Title II formula grants have remained relatively constant, there have been significant cuts to Title V prevention dollars and to specialized initiatives. An increase in Title V funds would allow us to dramatically increase our youth crime prevention initiatives.

**2. How would additional funding of Title V for prevention programs affect incarceration rates of youth?**

In my view, we would be making a worthwhile investment in programs that have been shown to work to reduce crime. I believe this would reduce youth incarceration rates and save state and federal taxpayer dollars.

**3. What information do we have about the likely long-term economic effects of such an investment in prevention?**

The Washington State Public Policy Institute has conducted a number of studies on the long term economic effects of investments in prevention. Attached is additional information from the institute that shows the cost/benefit of such an approach.

**4. During the hearing, we heard about the important role of the Office of Juvenile Justice and Delinquency Prevention plays in conducting research and providing technical assistance. In your opinion, should OJJDP do more in these two areas to assist states?**

Yes.

**Questions from Senator Kennedy:**

**1. What has your experience been in dealing with mentally ill youth in your state?**

The Models for Change Initiative in Pennsylvania is working to improve mental health services for youth. Our vision is that by 2010 every county will have a comprehensive model system that: (1) prevents the unnecessary involvement of youth who are in need of mental health treatment, including those with co-occurring substance abuse disorders, in the juvenile justice system; (2) allows for the early identification of youth in the system with mental health needs and co-occurring disorders; and (3) provides for timely access by identified youth in the system to appropriate treatment within the least restrictive setting that is consistent with public safety needs.

This effort is prompted by the recognition that many youth in contact with the juvenile justice system have significant mental health and co-occurring substance abuse treatment needs. As Senator Kennedy noted in his question, according to the National Center for Mental Health and Juvenile Justice, nearly 70 percent of the youth placed in the juvenile



justice system can be diagnosed with a mental health disorder, and of those youth, up to 60 percent have a co-occurring substance abuse disorder. Youth with unidentified and untreated mental health and co-occurring substance abuse needs are unable to participate fully in their families, schools and communities, and are at high risk of becoming involved in offending behavior. Once in the juvenile justice system, untreated youth pose a safety risk to themselves and others. Moreover, they are hindered in their ability to participate in their own rehabilitation, be accountable for their actions, and develop competencies, in accordance with the principles of balanced and restorative justice (BARJ) as incorporated into Pennsylvania's Juvenile Act. In order to promote these purposes, we are committed to implementing policies that promote the early identification of youth with mental health and co-occurring substance abuse needs, appropriate diversion out of the juvenile justice system, and referral to effective, evidence-based treatment that involves the family in both the planning for and delivery of services. Many youth enter the juvenile justice system because their mental health needs are not adequately met in the community. The behavior of these children typically deteriorated, over time, to the point where they are charged with committing a delinquent act. Parents are sometimes actually encouraged to have their children arrested in an attempt to get them the help they need. Concurrent with these efforts, we are also working to ensure that safeguards are in place to avoid the misdiagnosis and/or over-diagnosis of youth in the juvenile justice system, as well as to protect youth's legal interests and rights.

**2. What role can the federal government play in encouraging states to provide greater access for at-risk youth to mental health screening and treatment?**

The federal government has the opportunity to play an important role in encouraging states to provide greater access for at-risk youth to mental health screening and treatment.

The federal government should require states and local juvenile justice agencies to describe to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) their efforts to implement a comprehensive screening and assessment program to identify youth in the juvenile justice system who suffer from mental health and substance abuse disorders. States should also be required to submit in their annual reports to OJJDP their response methods when the initial screening of youth demonstrates a need for further assessment or treatment.

One of the first activities undertaken by Pennsylvania's Mental Health / Juvenile Justice Workgroup, in conjunction with the Models for Change initiative, was to select a screening instrument that could be used by juvenile probation departments to identify children who may be in need of mental health treatment. Currently, there are twenty-one juvenile probation departments utilizing the Massachusetts Youth Screening Inventory – Version 2 (MAYSI-2) instrument in a pilot project. Very recently one of the jurisdictions participating in this pilot project identified a child who was seriously contemplating suicide, and subsequently placed him in a mental health treatment program. The federal government can encourage states to provide greater access to screening by assisting with the provision of technical assistance and financial support in this area.

Improving access to effective mental health treatment is another goal identified by Pennsylvania's Mental Health / Juvenile Justice Workgroup. It is essential that children be provided with access to mental health treatment programs that have been proven to work.

The Commonwealth of Pennsylvania has a strong history of encouraging the development and support of "Evidence-based Programs", and intends to create a "Center" in 2008 to institutionalize this effort. In addition to supporting the development of evidence-based programs, the Center will be tasked with providing training and technical assistance to assist local jurisdictions in developing and measuring the effectiveness of local programs, as well. The federal government can encourage states to provide greater access to evidence-based treatment by assisting with the provision of technical assistance and financial support in this area.

To assist and encourage states to comply with these requirements, the federal government can create grants for comprehensive collaborations between schools, law enforcement, public health agencies, and other local systems and organizations responsible for at-risk juveniles. When each of the stakeholders in juvenile justice and other related systems and organizations work together across agencies, children who suffer mental health and substance abuse disorders are less likely to slip through the cracks and are more likely to receive necessary treatment.

The federal government can also facilitate the creation of regional technical assistance centers to assist juvenile justice agencies in all matters related to juveniles with mental health and substance abuse disorders, and assist juvenile justice agencies as they work to reform their practices.

Finally, the federal government can create reporting requirements for the Department of Justice that will improve our understanding of the prevalence of mental health and substance abuse disorders in the juvenile justice system.

By encouraging states to provide greater access for at-risk youth to mental health screening and treatment, the federal government will achieve reduced recidivism and, ultimately, safer communities. Research has shown that providing youth who suffer from mental health and/or substance abuse disorders with effective mental health services reduces arrest rates and yields significant savings by preventing future criminal justice costs. The provision of community-based mental health services for youth suffering from mental health disorders has also been shown to lead to a significant reduction of youth placements in juvenile detention and other secure facilities.

### **3. How can the reauthorization of the JJDPa make a difference in dealing with youth in the juvenile justice system who have mental disorders and/or substance abuse problems?**

The reauthorization of the JJDPa can make a tremendous difference in the lives of children with mental health problems and their families by encouraging states to provide greater access to mental health screening and evidence-based treatment.

In reauthorizing the JJDPa, Congress has the opportunity to take the following three essential steps to make a critical difference in addressing the issues confronting youth in the juvenile justice system who suffer from mental health and substance abuse disorders.

- (1) First, in reauthorizing the JJDPA, Congress should include language requiring states and local juvenile justice agencies to describe to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) their efforts to implement a comprehensive program and screening and assessment to identify youth in the juvenile justice system who suffer from mental health and substance abuse disorders.
- (2) Second, through reauthorization of the JJDPA, Congress should encourage the diversion of juveniles from detention and incarceration into home- and community-based care. For example, Congress might include in the JJDPA the provision of grants to train those involved in the juvenile justice system in the available home- and community-based treatment options for juveniles coming under their jurisdiction.
- (3) Third, in reauthorizing the JJDPA, Congress should encourage implementation of programs and services that have been proven to reduce recidivism and improve outcomes for juvenile offenders.

In the House of Representatives, Congressman Patrick J. Kennedy has introduced legislation, the Juvenile Crime and Reduction Act, H.R. 3411, which amends and strengthens the JJDPA to achieve these three crucial goals. The Senate should also introduce this legislation to strengthen the JJDPA, increase protection for and promote the rehabilitation of children in the juvenile justice system suffering from mental health and substance abuse disorders.

**4. What policies would you recommend for dealing with this problem and what practices have the greatest promise?**

In response to all of these questions, here has been our experience. In Pennsylvania, we have seen a dramatic increase in the number of youth entering the juvenile justice system with mental health issues. As a result, we invested in a Mental Health Assessment of Youth in Detention project in 2000.

I strongly recommend the implementation of policies that promote the early identification of youth with mental health and co-occurring substance abuse needs, appropriate diversion out of the juvenile justice system, and referral to effective, evidence-based treatment that involves the family in both the planning for and delivery of services. In conjunction with these efforts, I also recommend the placement of safeguards in the system to avoid the misdiagnosis and/or over-diagnosis of youth in the juvenile justice system, and to protect youth's legal interests and rights.

Cross-systems collaboration, such as the model we employ in Pennsylvania, is premised on the understanding that no single system bears sole responsibility for our youth. Youth are the community's responsibility, and all policy responses developed for them, at the state, local and tribal levels, should be collaborative in nature, reflecting the input and involvement of all child-serving systems and family members. I recommend a greater emphasis on this issue through reauthorization of the JJDPA, as well as a requirement that mandates a

stronger collaborative working relationship between the Office of Juvenile Justice and Delinquency Prevention and the Substance Abuse and Mental Health Services Administration (SAMHSA) within the U.S. Department of Health and Human Services. For example, Congress might require a portion of any increase in appropriations for SAMSHA's Jail Diversion Program to be dedicated to programs that target juveniles for diversion.

By 2006 we had implemented the Massachusetts Adolescent & Youth Screen Instrument (MAYSI-2) as a screening tool in all of our 23 detention centers. The MAYSI-2 allows us an opportunity for early identification and prioritization of those youth who need continued assessment and evaluation to determine whether they can be diverted from the juvenile justice system or what kind of care is most appropriate based on their mental health needs.

The federal government through the JJDPA reauthorization and other legislation could collect and disseminate information on best practices such as the MAYSI in mental health screening and treatment in the juvenile justice system. Additionally, the federal government should substantially invest in more community-based mental health services for children so that they do not end up in the justice system in order to obtain mental health services.

Attached is a copy of our Mental Health and Juvenile Justice Joint Policy Statement.

**Questions from Senator Feingold:**

**In his written testimony, Shay Bilchik made nine recommendations to Congress for strengthening the JJDPA: (1) eliminate the Valid Court Order exception to the Deinstitutionalization of Status Offenders requirement; (2) extend the Adult Jail and Lock-Up Removal and the Sight and Sound protections to youth held pending trial in adult court; (3) require states to take concrete steps to reduce Disproportionate Minority Contact; (4) clarify that OJJDP's functions include research and evaluation, training and technical assistance, dissemination of research and evaluation of findings, and demonstration of new program; (5) strengthen the JJDPA's support in the area of mental health or substance abuse disorders; (6) require states to focus on the link between child victimization and juvenile justice; (7) enhance support for recruitment and retention strategies within the juvenile justice workforce; (8) enhance the role of OJJDP and the Federal-State partnership; and (9) substantially increase funding for Title V Prevention and Title II Formula Grants to states.**

**1. As a member of Pennsylvania's State Advisory Group, do you agree with these recommendations?**

Yes. I agree with all of the recommendations.

**2. Do you have any additional recommendations?**

Yes. I would suggest an additional provision on conditions of confinement.

The 1994 Congressionally-mandated "Conditions of Confinement" report of juvenile facilities documented how facilities were unsafe for youths and staff, provided inadequate health and mental health services, were overcrowded, and generally were not meeting the

expectations for juvenile justice and delinquency prevention. The report called for the development and implementation of Performance-based Standards (PbS), launched in 1995 by the Council of Juvenile Correctional Administrators (CJCA). In 2004, PbS won the "Innovations in American Government Award" by Harvard University's Ash Institute for Democratic Governance and Innovation for addressing the issues of confinement: safety, security, fairness, health/mental health services, education, programming and rehabilitation as well as preparation to return to the community.

Currently 180 correction and detention facilities across the country have volunteered to implement PbS (adopt the standards, report outcome data and integrate the improvement process), but they need financial support to continue to use PbS as OJJDP funding is ending. Incentive funds could encourage the remaining 1,000 public facilities to adopt PbS. PbS has been effective in bringing accountability and transparency to juvenile agencies and facilities.

I would recommend that the reauthorization of the JJDPa include provisions on the conditions of confinement issues in juvenile detention and correctional facilities by:

- (1) Establishing and supporting standards and programs that demonstrate effectiveness at keeping youths safe, provide rehabilitation services that work, and are continually reviewed and revised as more recent research and information becomes available.
- (2) Supporting efforts to monitor facilities, programs, and agencies to ensure they are keeping kids safe and providing rehabilitation. Rewards and incentives should be available for facilities, programs, agencies that continually improve how they care for and treat youths and have outcome data to demonstrate positive impact on youths' lives.
- (3) Supporting research on specific practices within facilities to develop evidence-based approaches similar to evidence-based research on community-based treatments.
- (4) Prohibiting the use of especially dangerous practices, including the use of chemical agents; use of pain compliance techniques; hitting, kicking, striking, or using chokeholds or blows to the head; use of four- or five-point restraints, straightjackets, or restraint chairs; tying or placing in restraints in uncomfortable positions; periods of excessive isolation; restraining to fixed objects; restraining in a prone position or putting pressure on the back; using physical force or mechanical restraints (including shackling) for punishment, discipline, or treatment; and use of belly belts or chains on pregnant girls. These dangerous practices have been prohibited within the JDAI Detention Facility Self-Assessment, recommendations compiled by experienced attorneys, physicians, and psychologists who have seen the ill-effects such practices across the country.

#### **Questions from Senator Durbin:**

##### **1. What lessons have we learned from states that have changes their juvenile transfer laws? How might these lessons inform reauthorization of the JJDPa?**

In the 1990's, most states changed their laws to make it easier to transfer youth to the adult criminal justice system. In light of recent research, states are now re-examining their laws

with a number of states, such as IL, DE and CT, substantially revising their state statutes to reduce the number of youth prosecuted in the adult criminal justice system.

Similar to the re-examination of laws by policymakers at the state level as a result of this new research, federal policymakers could re-examine and update the JJDPa as well. One area where this would be directly related to the research is to extend the "Jail Removal" provision to cover youth no matter what court they are in – juvenile or adult.

**2. Would the availability of formula grant funds for pre-release planning and reentry services targeted to youth offenders be helpful in Pennsylvania?**

Yes. Pennsylvania is currently in the process of developing a comprehensive aftercare system. Stakeholders in the juvenile justice system as well as others in related systems are working together to develop a model aftercare system for youth leaving delinquency placements.

It is important that returning juveniles who need to continue their treatment in the community have access to a continuum of services that have been demonstrated to be effective. Effective re-entry planning—which should begin *before* youth enter placement-- is crucial if they are to benefit from residential treatment programs and successfully return home. It is also a key element in promoting public safety and recidivism.

A comprehensive approach to aftercare will ensure that youth receive timely and appropriate social support in such areas as:

- (1) Enrolling immediately in school or have a job waiting for them.
- (2) Continuing the follow-up services that are required for those who received physical or behavioral health treatment while in care.
- (3) Having strong adult support from family or other caring adults.
- (4) Having sufficient attention paid to developing their skills while in care so that they can successfully return to their home and community.
- (5) And ensuring that all youth offenders understand and acknowledge the wrongfulness of their actions and the impact of their crimes on the crime victim and the community. Each child must recognize his or her responsibility for causing harm.

We are currently utilizing federal, state and foundation funding to launch this effort. Additional federal resources through the Juvenile Accountability Block Grant or other new federal programs could be instrumental in Pennsylvania's ability to provide these vital services.

**3. What role, if any, do the Pennsylvania courts play in reviewing the aftercare or reentry plans of youth offenders exiting the juvenile or criminal justice systems?**

Pennsylvania judges play a leadership role in reviewing aftercare plans. Our Juvenile Act requires judicial oversight at all critical review hearings in delinquency cases. The Juvenile Court Judges Commission (JCJC) [www.jcjc.org](http://www.jcjc.org) in partnership with the National Center for Juvenile Justice (NCJJ) has created a Delinquency Bench Book that helps guide judicial decision-making at review hearings that include aftercare planning. Most Pennsylvania judges take great care to ensure that comprehensive aftercare plans are developed that include meeting a youth's education, housing and physical and behavioral health needs.

Please let me know if you have questions or need additional information. I can be reached at (717)-787-9532.

Sincerely,

Anne Marie Ambrose  
Director  
Bureau of Child Welfare and Juvenile Justice Services  
State of Pennsylvania

## Rehabilitation Versus Incarceration of Juvenile Offenders: Public Preferences in Four Models for Change States

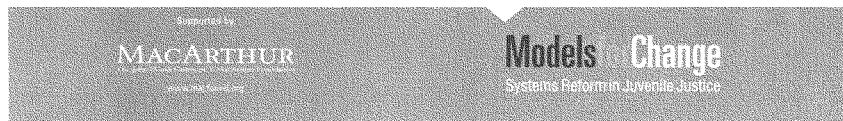
### Executive Summary

Alex Piquero and Laurence Steinberg

Over the past few decades, American juvenile justice policy has become progressively more punitive. During the 1990s, in particular, legislatures across the country enacted statutes under which growing numbers of youths can be prosecuted in criminal courts and sentenced to prison. Indeed, today, in almost every state, youths who are 13 or 14 years of age (or less) can be tried and punished as adults for a broad range of offenses, including nonviolent crimes. Even within the juvenile system, punishments have grown increasingly severe.

It is generally accepted that intense public concern about the threat of youth crime has driven this trend, and that the public supports this legislative inclination toward increased punitiveness. But it is not clear whether this view of the public's attitude about the appropriate response to juvenile crime is accurate. On the one hand, various opinion surveys have found public support generally for getting tougher on juvenile crime and punishing youths as harshly as their adult counterparts. At the same time, however, scrutiny of the sources of information about public opinion reveals that the view that the public supports adult punishment of juveniles is based largely on either responses to highly publicized crimes such as school shootings or on mass opinion polls that typically ask a few simplistic questions. It is quite plausible that assessments of public sentiment about juvenile crime, and the appropriate response to it, vary greatly as a function of when and how public opinion is gauged. In our own work, we have found that very slight variations in the wording of survey questions generate vastly different pictures of public attitudes about juvenile justice policy.

An assessment of the public's support for various responses to juvenile offending is important because policy makers often justify expenditures for punitive juvenile justice reforms on the basis of popular demand. Punitive responses to juvenile crime (e.g., the incarceration of juvenile offenders in correctional facilities) are far more expensive and often less effective than less harsh alternatives (e.g., providing juvenile offenders rehabilitative services in community settings). If politicians' misreading of public sentiment has led to the adoption of more expensive policy alternatives than the public actually wants, tax dollars are likely being wasted on policies that are costly and possibly ineffective, and that also may be less popular than is widely assumed.





In a previous study conducted in Pennsylvania in 2005, we and our colleagues Daniel Nagin and Elizabeth Scott assessed public opinion toward juvenile justice policy using an approach that differs from conventional polling, by measuring respondents' willingness to pay for alternative policy proposals. More specifically, we compared respondents' willingness to pay for incarceration versus rehabilitation of juvenile offenders who had committed serious violent crimes. In the current report we present the results of a replication of this study conducted in each of the Models for Change sites during 2007.

Our approach has several advantages over conventional public opinion polling. First, asking how much respondents as individual taxpayers are willing to pay for a specific policy yields a more accurate estimate of their attitude toward that policy than merely asking whether they approve or disapprove of it, because the question requires the respondent to consider the cost of the policy as well as its benefits. It is far easier to endorse a particular policy when it is proposed in the abstract (e.g., "Do you favor expanding the city's sanitation services in order to clean the streets more frequently?") than when one is told the actual cost of that policy (e.g., "Do you favor expanding the city's sanitation services in order to clean the streets more frequently, at an annual cost to the city of \$1 million per year?") or what the impact of that policy would be on the respondent's personal tax burden ("Would you be willing to pay an additional \$100 in property taxes annually in order to expand the city's sanitation services and clean the streets more frequently?"). As a consequence, conventional polls may indicate more enthusiastic public support for a potentially expensive policy than would likely be the case if the actual cost burden of the policy were revealed.

Second, our approach permits a more direct comparison of public attitudes toward different policies designed to address the same fundamental problem. In conventional opinion polling, respondents' preference for one versus another policy is often ascertained (e.g., "Do you favor Policy A or would you prefer Policy B?"), but the phrasing of such comparative questions seldom provides respondents with information on the relative effectiveness or cost of the proposed options. Without knowing what the respondent believes to be the effectiveness or cost of each alternative, one is unable to know what the respondent's answer genuinely reflects.

In the present study, we use an experimental methodology that permits us to compare respondents' opinions about two juvenile justice policy alternatives that are presented as equally effective. Any observed differences in respondents' willingness to pay for two policies of equal effectiveness must necessarily indicate a true preference for one over the other.

## DATA & METHODS

Telephone interviews were conducted with a random sample of approximately 500 households from each of the four Model for Change sites (Illinois, Louisiana, Pennsylvania, and Washington) during 2007. Respondents were presented with several hypothetical scenarios and numerous questions about their background and attitudes. The basic survey was the same for all individuals, with one important exception. One item, which asked respondents if they would be willing to vote for a crime policy proposal requiring each household to pay an additional amount of money in taxes, was systematically varied. Half of the sample, randomly selected, responded to a proposal to increase the amount of rehabilitative services provided to serious juvenile offenders, without any increase in their time incarcerated, whereas the other half of the sample responded to a proposal to increase the amount of time serious juvenile offenders were incarcerated for their crime, without the addition of any services. Otherwise, the wording of the two proposals was nearly identical, in order to compare responses to each of them.

**The text of the added question about willingness to pay for rehabilitation was as follows:**

Currently in \_\_\_\_\_ juvenile offenders who commit serious crimes such as robbery are put in jail for about one year. Suppose \_\_\_\_\_ citizens were asked to approve the addition of a rehabilitation program to the sentence for these sorts of crimes. Similar programs have reduced youth crime by 30%. Youths in these programs are also more likely to graduate from high school and get jobs. If the change is approved, this new law would cost your household an additional \$100 per year in taxes.

After reading this question, respondents were asked: "Would you be willing to pay the additional \$100 in taxes for this change in the law?" Respondents who indicated 'yes' were asked an additional follow-up question: "Would you be willing to pay \$200 for the same change?" Respondents who indicated 'no' to the original question also were asked an additional follow-up question: "Would you be willing to pay an additional \$50 for this change?" Response options to all questions were 'Yes' and 'No'.

**The text of the added incarceration question was nearly identical:**

Currently, in \_\_\_\_\_ juvenile offenders who commit serious crimes such as robbery are put in jail for about one year. Suppose \_\_\_\_\_ citizens were asked to vote on a change in the law that would increase the sentence for these sorts of crimes by one additional year, making the average length of jail time two years. The additional year will not only impose more punishment but also reduce youth crime by about 30% by keeping juvenile offenders off the street for another year. If the change is approved, this new law would cost your household an additional \$100 per year in taxes."

The same follow-up questions were asked of respondents who received the incarceration scenario as were asked of respondents who were presented with the rehabilitation scenario.

## RESULTS

As Figures 1 and 2 indicate, across the sample as a whole (that is, with data from all four states combined), the public clearly favors rehabilitation over punishment as a response to serious juvenile offending. More respondents are willing to pay for additional rehabilitation than for additional punishment, and the average amount in additional annual taxes that respondents are willing to pay for rehabilitation is almost 20% greater than it is for incarceration (\$98.49 versus \$84.52). Conversely, significantly more respondents are unwilling to pay for additional incarceration (39 percent) than are unwilling to pay for added rehabilitation (29 percent). It is quite clear that the public supports rehabilitation and is willing to pay for it.

Figure 1

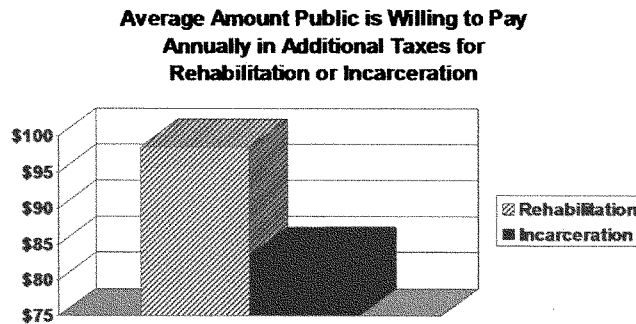
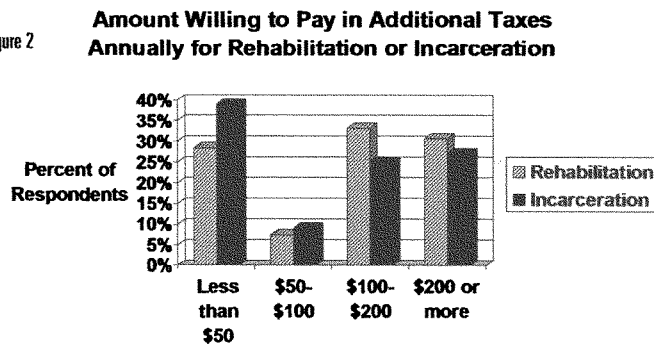
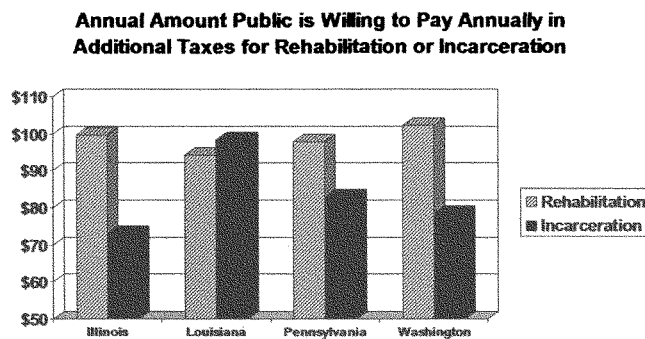


Figure 2



This general pattern holds in three of the four Models for Change sites: Pennsylvania, Washington and Illinois. In Pennsylvania, the public is willing to pay 18% more for rehabilitation than punishment (\$98 versus \$83). In Washington, the public is willing to pay 29% more (\$102 versus \$79). And in Illinois, the public is willing to pay 36% more for rehabilitation than punishment (\$100 versus \$73 annually). In Louisiana, the amounts for rehabilitation and punishment are statistically equivalent (\$94 versus \$98). (See Figure 3)

Figure 3



## DISCUSSION

When informed that rehabilitation is as effective as incarceration (in fact, the former is more effective), the public is willing to pay nearly 20 percent more in additional taxes annually for programs that offer rehabilitative services to serious juvenile offenders than for longer periods of incarceration. We find this for the sample as a whole, and in three out of four of the Models for Change sites (the sole exception is Louisiana).

These results are consistent with public opinion surveys in general, which usually find more public support for rehabilitation than politicians may believe is the case. The added value of the present survey is that this general trend is found using a methodology that is thought to more accurately gauge public support for various policy alternatives than conventional polling.

One criticism of this approach to assessing public opinion is that the actual dollar amounts generated through the method may not be accurate, because respondents are forced to pick among predetermined responses. Some individuals who indicate a willingness to pay \$200 in additional taxes may in fact be willing to pay even more, but because we did not press beyond this amount, we do not know how large this group is, nor do we know how responses would have differed had we used different dollar amounts to anchor the response categories. Moreover, because the respondents know they are answering a hypothetical question, their responses may differ from what they would say if a genuine referendum were held.

The absolute dollar amounts are less important than the relative amounts, however. Although the true dollar amount that taxpayers are willing to pay for either policy may be uncertain, what is certainly clear is that participants are willing to pay more for rehabilitation than for incarceration if each delivers the same result. This finding, together with evidence that incarceration is substantially more costly than rehabilitation (at least five times more costly, according to some estimates), supports the conclusion that the returns per dollar spent on rehabilitation are a better value than the returns on incarceration. Support for rehabilitation would likely be even stronger if respondents were told that at least five offenders can be provided with services for the same price as incarcerating just one of them.

Our survey challenges the view held by many politicians and the media that the public opposes rehabilitation and favors incarceration of young offenders. According to conventional wisdom, the driving force behind the punitive reforms in recent years has been the public demand for tough juvenile justice policies, and politicians frequently point to public outrage at serious juvenile crime as justification for sweeping legislative reforms.

We believe, instead, that members of the public are concerned about youth crime and want to reduce its incidence, and are ready to support effective rehabilitative programs as a means of accomplishing that end — indeed favoring rehabilitation to imposing more punishment through longer sentences. Our findings offer encouragement to lawmakers who are uncomfortable with the recent trend toward punitive juvenile justice policies and would like to initiate more moderate reforms.

The high cost of punitive sentencing has become a consideration in the public debate — long sentences translate into more prison space, more staff and generally higher operating costs. Cost-conscious legislatures may become disenchanted with punitive juvenile justice policies on economic grounds and pursue policies that place greater emphasis on rehabilitation and early childhood prevention. If so, they may be reassured, on the basis of our findings, that the public will support this move.

**Alex Piquero** is Presidential Scholar & Professor, John Jay College of Criminal Justice and City University of New York Graduate Center Criminal Justice Doctoral Program. Piquero is a member of the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice.

**Laurence Steinberg** is Distinguished University Professor and Laura H. Carnell Professor of Psychology, Temple University. Steinberg is Director of the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice and Director of the Models for Change Research Initiative.

**Models for Change** is an effort to create successful and replicable models of juvenile justice system reform through targeted investments in key states. With long-term funding and support from the John D. and Catherine T. MacArthur Foundation, Models for Change seeks to accelerate progress toward a more rational, fair, effective, and developmentally appropriate juvenile justice system. Four states - Illinois, Louisiana, Pennsylvania and Washington - have been selected as core Models for Change sites. Other states participate, along with a National Resource Bank, in action networks targeting mental health and disproportionate minority contact in juvenile justice systems.

**Contact information:**

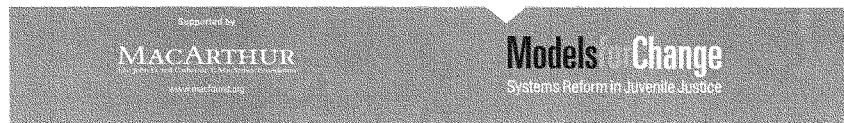
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## Potential for Change: Public Attitudes and Policy Preferences for Juvenile Justice Systems Reform

### Executive Summary

#### A Center for Children's Law and Policy Report

##### Introduction

New polling data on Americans' attitudes about youth, race and crime reveal strong support for juvenile justice reforms that focus on rehabilitating youthful offenders rather than locking them up in adult prisons. The public also believes that African American and poor youth receive less favorable treatment than those who are white or middle class.

The poll was commissioned by the Center for Children's Law and Policy as part of the John D. and Catherine T. MacArthur Foundation's Models for Change juvenile justice reform initiative, which supports juvenile justice reform in Illinois, Pennsylvania, Louisiana and Washington state. Prior to the poll, focus groups on the issues were held in Chicago, Pittsburgh, Baton Rouge and Seattle. The poll included oversampling in the four Models for Change states to determine attitudes by the public there.

##### Survey findings include:

- **The public recognizes the potential of young people to change.** Nearly nine out of 10 (89 percent) of those surveyed agreed that "almost all youth who commit crimes have the potential to change," and more than seven out of 10 agreed that "incarcerating youth offenders without rehabilitation is the same as giving up on them."
- **The public supports redirecting government funds from incarceration to counseling, education and job training programs for youth offenders.** Nearly eight out of 10 favor reallocating state government money from incarceration to programs that provide help and skills to enable youth to become productive citizens.
- **The public views the provision of treatment and services as more effective ways of rehabilitating youth than incarceration.** Majorities saw schooling, job training, mental health treatment, counseling and follow-up services for youth once they leave the juvenile justice system to help them go back to school or find a job services as "very effective" ways to rehabilitate young people. Less than 15 percent of those surveyed thought that incarcerating juveniles was a "very effective" way to rehabilitate youth.



- **The public favors keeping nonviolent juveniles in small, residential facilities in their own communities rather than in large distant institutions.** More than three-quarters of the public favors juvenile justice policies that keep nonviolent youth in small facilities in their own communities, and six in 10 favor community supervision for nonviolent youth. Eight out of 10 favor keeping these youth in small residential facilities rather than in large institutions.
- **The public believes the juvenile justice system treats low-income youth, African American youth and Hispanic youth unfairly. Almost two-thirds of respondents said that poor youth receive worse treatment than middle-class youth who get arrested for the same offense.** A majority think that African American youth receive worse treatment than white youth who get arrested for the same offense. More than seven out of 10 favor funding programs that help Hispanic youth who get in trouble with the law overcome the language barriers they face in the juvenile justice system.

### 1. The public recognizes the potential of young people to change.

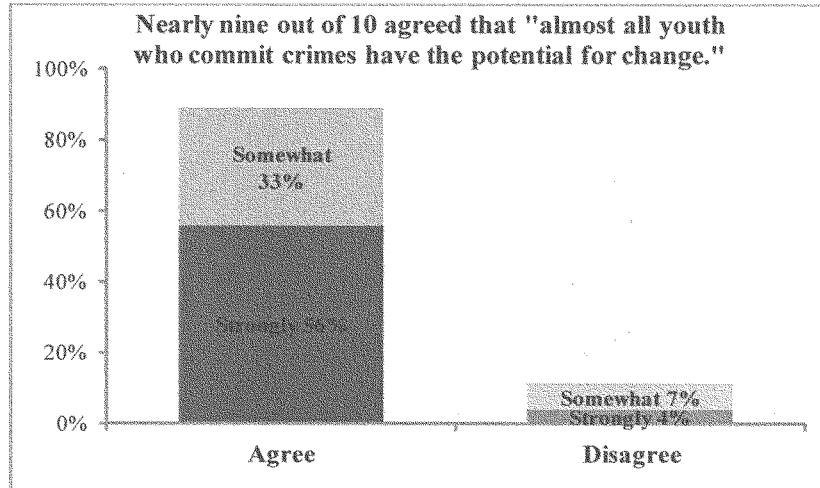
The juvenile justice system in the United States began a century ago in Chicago with the enlightened goal of providing individualized treatment, supervision and services to troubled and at-risk youth. In the 1990s, attitudes changed. A temporary rise in violent juvenile crime and a few spectacular cases fueled political calls for more punitive approaches: a shift away from rehabilitation and toward the implementation of harsher sanctions, reduced confidentiality of juvenile proceedings and increased incarceration of young people.

Today, the fallacies that drove the wave of punitive policies are being challenged and the space for new ideas to flourish is growing. A number of factors—falling crime rates, state budget crises, rigorous demonstrations of “what works” and new research on brain development in adolescents—are encouraging policymakers to reconsider the wisdom of “get-tough” policies. There is a large reservoir of public support that policymakers can draw upon to help shift the juvenile justice system back to the principles on which it was founded.

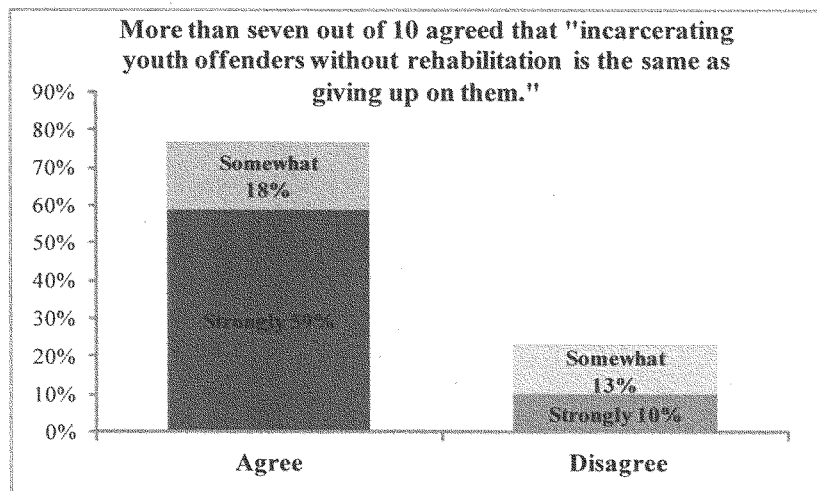
*“The system seems to ignore the potential any child may have. The way the system seems to be set up, they seem to be written off rather than helping them become productive society members. I think they keep throwing these kids away.” — Focus group respondent, Chicago*

The public believes that almost all young people who commit crimes have the potential to change. Nearly nine out of 10 people nationally (89 percent) agreed with the statement that “almost all youth who commit crimes are capable of positive growth and have the potential to change for the better.” In the Models for Change states, more than eight out of 10 agreed with the statement. Similarly, more than eight out of 10 disagreed with the statement that “there is not much you can do to change youth who commit crimes.” More than three out of four agreed that “incarcerating youth offenders without rehabilitation is the same as giving up on them.”





"Please tell me if you agree or disagree with each of the following statements. (Do you agree or disagree? Is that strongly or somewhat agree/disagree?) Almost all youth who commit crimes are capable of positive growth and have the potential to change for the better."



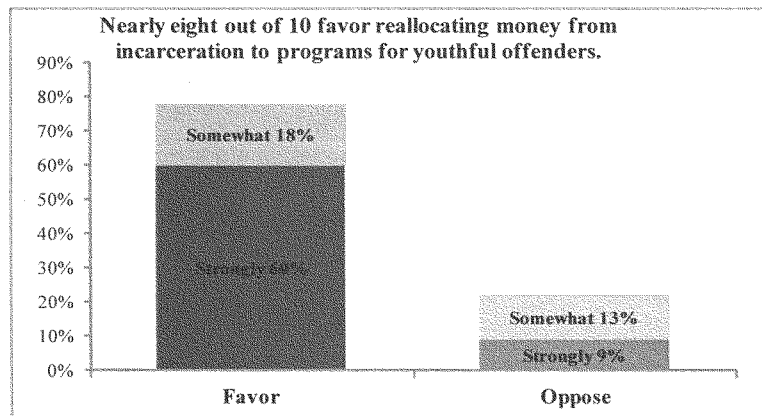
"Please tell me if you agree or disagree with each of the following statements. (Do you agree or disagree? Is that strongly or somewhat agree/disagree?) Incarcerating youth offenders without rehabilitation is the same as giving up on them."

## 2. The public supports redirecting government funds from incarceration to counseling, education and job training for youth offenders.

In Illinois, Pennsylvania, Louisiana and Washington, the legislatures have enacted policies that discourage incarcerating youth in large state facilities and encourage having more young people under community supervision or receiving services and treatment in their own communities. The public supports this change in policy.

A majority in the United States and in the four Models for Change states strongly favor taking away some of the money their state spends on incarcerating youth offenders and spending it instead on programs for counseling, education and job training for youth offenders. Nearly eight out of 10 say they strongly favor or somewhat favor this policy choice.

*"For nonviolent crimes, it would make more sense to take the money, x amount of dollars to keep an individual incarcerated for x amount of time—you could put that to programs to prevent them from being in jail to begin with."* —Focus group respondent, Baton Rouge



"Do you favor or oppose taking away some of the money your state government spends on incarcerating youth offenders and spending it instead on programs for counseling, education and job training for youth offenders. Is that strongly or somewhat favor/oppose?"

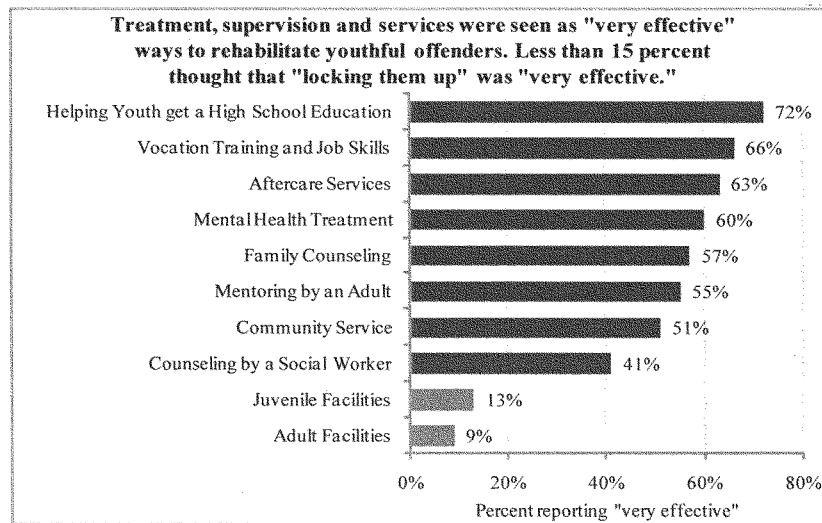
**3. The public views the provision of treatment, services and community supervision as more effective ways of rehabilitating youth than incarceration.**

Large majorities see providing treatment, services and community supervision as more effective ways of rehabilitating youth who commit crimes than punishment or incarceration in either an adult or juvenile facility.

*"If you're just going to throw them in a place where no one cares and nobody does anything, you're just going to grow up an 18 year-old kid that still has nothing."*—Focus group respondent, Baton Rouge

A majority views family counseling, mental health treatment, vocational and job training and assistance with getting a high school education as "very effective" ways to rehabilitate young people who commit crimes. In contrast, less than 15 percent see incarcerating youth in either a juvenile or adult facility as being "very effective" at rehabilitating youth who commit crimes.

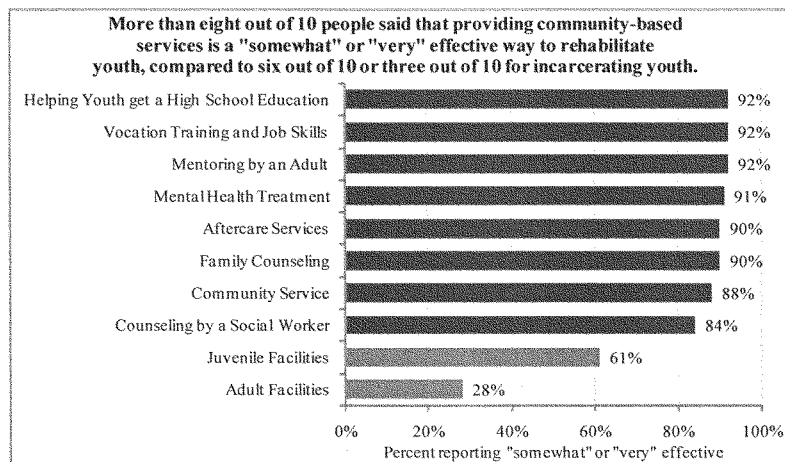
One of the biggest challenges facing communities is the development of effective "aftercare" services and plans for juveniles: the ability to connect juveniles leaving the system with the programs and services they need to adjust and succeed. More than six in 10 of those surveyed nationally said that "providing follow-up services once youth leave the juvenile justice system to help them go back to school or get a job" was a "very effective" way to rehabilitate young people who commit crimes.



"I am going to read you a list of things the juvenile justice system can do to help rehabilitate youth who commit crimes. In your opinion, please tell me how effective each of the following is in rehabilitating youth offenders: very effective, somewhat effective, not very effective, or not at all effective way to rehabilitate youth who commit crimes?"

Similarly, when responses of "somewhat effective" and "very effective" are combined, most respondents believe that non-incarceration options are productive ways to rehabilitate youth. Across all question items, about nine out of 10 see mentoring, job training, mental health treatment and other non-incarceration options as effective ways to rehabilitate youth who commit crimes.

By contrast, six out of 10 survey participants see incarcerating youth in a juvenile facility as "somewhat" or "very" effective. Few people think that incarcerating youth in adult jails and prisons is effective: less than three out of 10 see them as effective ways to rehabilitate youth.



"I am going to read you a list of things the juvenile justice system can do to help rehabilitate youth who commit crimes. In your opinion, please tell me how effective each of the following is in rehabilitating youth offenders: very effective, somewhat effective, not very effective or not at all effective way to rehabilitate youth who commit crimes?"

*"Putting them in prison without even a thought to rehabilitation is pretty much the status quo and is not accomplishing anything. There's a lot more options than just giving them a DCN [Department of Corrections number] and forgetting about them."* — Focus group respondent, Baton Rouge

*"The problem is that we are punishment-focused rather than education-, rehab- and change- focused. The change I would make is to provide funding for mentor and group-based education and rehabilitation."* — Focus group respondent, Chicago

**4. The public favors keeping nonviolent juveniles in small, residential facilities in their own communities rather than in large distant institutions.**

Of all youth arrested each year, more than 90 percent are charged with nonviolent offenses. Of the youth subsequently held either in detention or juvenile corrections facilities across the country, more than six in 10 are held for nonviolent offenses. Illinois and Louisiana recently made policy changes to increase the number of young people in "community-supervision," which generally involves keeping nonviolent youth in their own homes under the close supervision of a caseworker or probation officer, where they are required to receive counseling services and attend school.

To help move more nonviolent youth to places more likely to reduce their reoffending, several states have embraced the "Missouri model" approach. In Missouri, young people were removed from large, distant state institutions and into small, "community-based" residential facilities that provide intensive services. Three-fourths of those committed to state care in Missouri are placed in open environments, such as nonresidential treatment programs, group homes or other non-secure facilities. In open environments, youth typically spend each weekday focused on both academics and counseling alongside 10 to 12 other youths who share a dormitory. Afterwards, residents participate in community service activities, tutoring, and individual and family counseling. Statistics from the Missouri Department Youth Services found that in 2006, the recidivism rate was only 8.7 percent. It is difficult to compare that figure to other states' recidivism rates because states use different measurement practices. In an effort to overcome these measurement differences, the Virginia Department of Juvenile Justice conducted a study in 2005 using the same definition of juvenile recidivism in 27 states. The study showed that 55 percent of juveniles released from facilities in Florida, New York and Virginia were rearrested within one year. Louisiana and Washington, D.C., have recently embraced the "Missouri model" approach.

Wherever young people are in the juvenile justice system, the public wants them to be held accountable. Eight out of 10 say that they want a stronger focus on accountability and that the system is not focused enough on "teaching youth who commit crimes to be accountable for their actions." However, the public supports keeping nonviolent offenders, who comprise the majority of youth who enter the system and the majority of youth who are incarcerated, in community-based facilities or under community supervision.

<sup>1</sup> Sickmund, Melissa, T.J. Sladky and Wei Kang. 2005. Census of Juveniles in Residential Placement Databook. [www.ojjdp.ncjrs.org/ojstatbb/cjrp/](http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/)

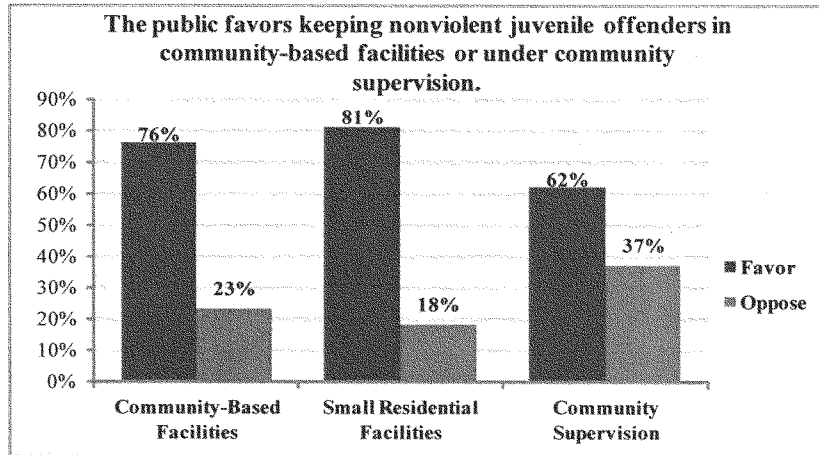
<sup>2</sup> Mendel, Richard A. 2001. Less Cost, More Safety: Guiding Lights for Reform in Juvenile Justice. Washington, D.C.: American Youth Policy Forum. [www.aecf.org/upload/PublicationFiles/less%20cost%20more%20safety.pdf](http://www.aecf.org/upload/PublicationFiles/less%20cost%20more%20safety.pdf).

<sup>3</sup> Missouri Department of Social Services. 2006. Division of Youth Services Annual Report: Fiscal Year 2006. [www.dss.mo.gov/re/pdf/dys/dysfy06.pdf](http://www.dss.mo.gov/re/pdf/dys/dysfy06.pdf).

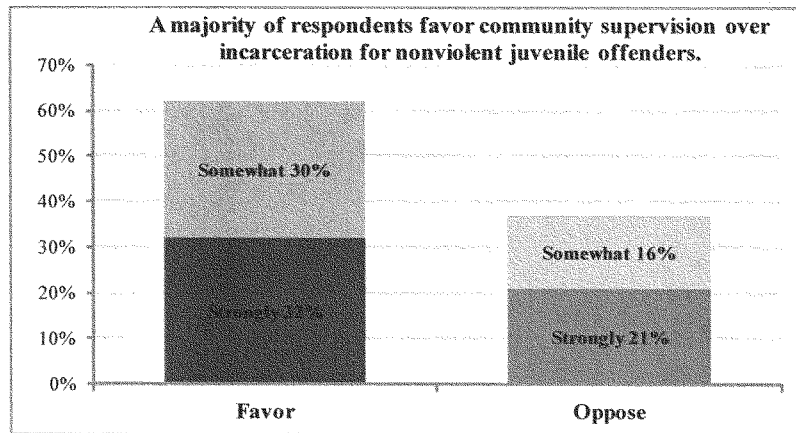
<sup>4</sup> Snyder, Howard N. and Melissa Sickmund. 2006. Juvenile Offenders and Victims: 2006 National Report. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention. <http://ojjdp.ncjrs.gov/ojstatbb/nr2006/downloads/NR2006.pdf>.

<sup>5</sup> Virginia Department of Juvenile Justice. 2005. Juvenile recidivism in Virginia. DJJ Research Quarterly. Richmond, VA: VDJJ; cited in Snyder, Howard N. and Melissa Sickmund. 2006. Juvenile Offenders and Victims: 2006 National Report. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.

Seventy-six percent strongly or somewhat favor "placing nonviolent youth in facilities located in their own communities." Eight out of 10 say they favor placing nonviolent youth "in a residential facility that holds a small number of youth" instead of incarcerating them in a large juvenile facility. Six out of 10 nationally say that instead of incarceration in a large juvenile facility, they favor assigning a nonviolent youth "to live in their own homes and receive counseling and other services under the close supervision of a caseworker."



"Please tell me whether you favor or oppose each of the following proposals for dealing with youth convicted of NONVIOLENT crimes. Is that strongly or somewhat favor/oppose?"



"Please tell me whether you favor or oppose each of the following proposals for dealing with youth convicted of NONVIOLENT crimes. (Do you favor or oppose this? Is that strongly or somewhat favor/oppose?) Instead of incarceration in a juvenile facility, assigning youth to live in their own homes and receive counseling and other services under the close supervision of a caseworker."

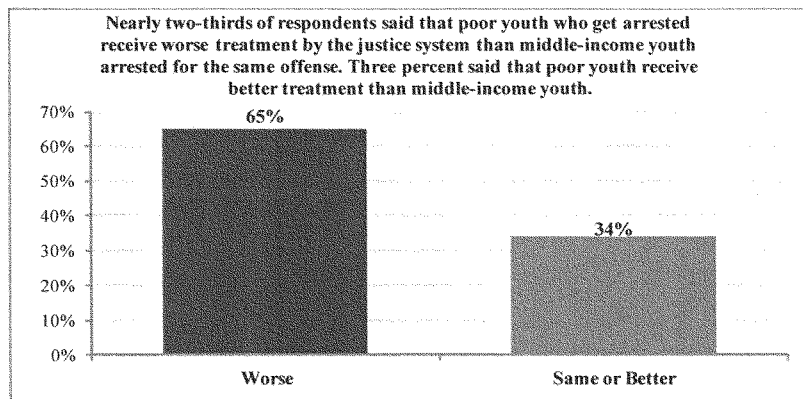
**6. The public believes the juvenile justice system treats low-income youth, African American youth and Hispanic youth unfairly.**

*"It's almost like that's the face they expect to see."* —Focus group participant, Baton Rouge

*"I've seen kids in white neighborhoods be picked out just for being black. I think there's definitely an attitude. The attitude that cops have towards them is they're guilty for walking down the street."* —Focus group respondent, Chicago

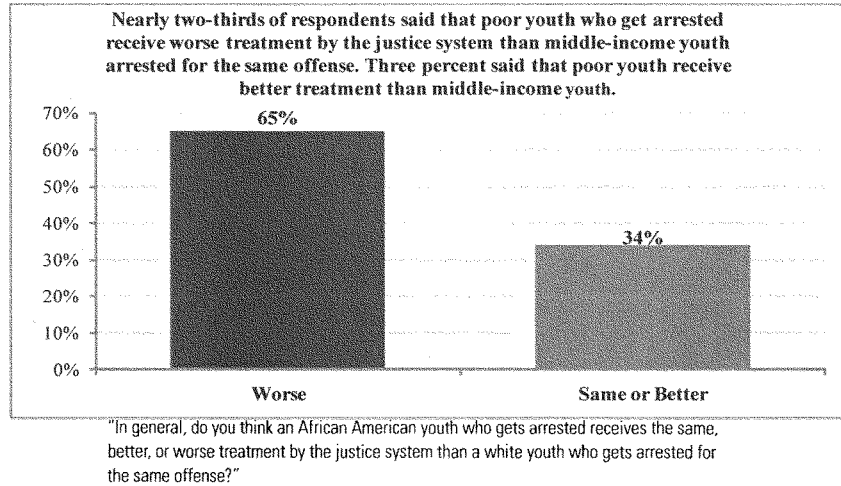
The public thinks that the system treats some youth—specifically, poor or low-income youth, and African American and Hispanic youth—unfairly and that the juvenile justice system or "programs" should be developed to help the system be more fair to youth of color.

The public strongly believes that low-income youth receive worse treatment at the hands of the justice system. Nearly two-thirds of people polled nationwide (65 percent to 34 percent), and the majority of those surveyed in the Models for Change states think poor youth receive worse treatment than middle-income youth arrested for the same offense.

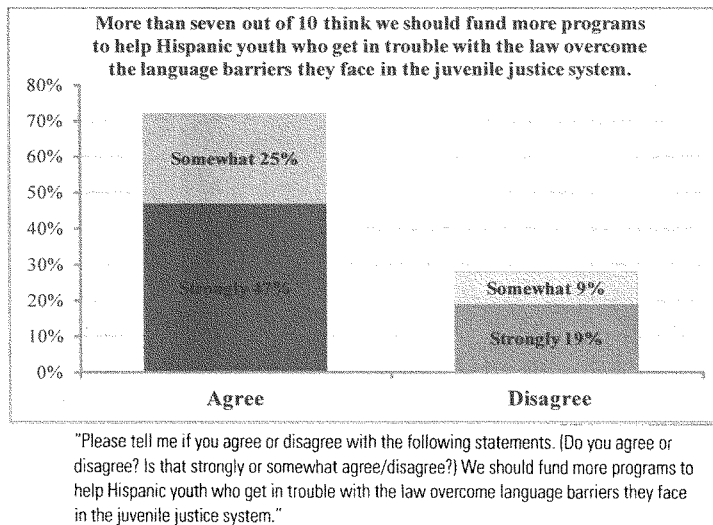


*"In general, do you think a poor youth who gets arrested receives the same, better, or worse treatment by the justice system than a middle-income youth who gets arrested for the same offense?"*

About half of those polled said that "an African American youth who gets arrested receives worse treatment by the justice system than a white youth who gets arrested for the same offense." In each of the Models for Change states, a larger proportion of the public believe that African American youth receive worse treatment rather than the "same" or "better" treatment. At a time when the justice system is just beginning to learn the scale of Hispanic overrepresentation in the justice system, 47 percent of the public thought Hispanic youth receive worse treatment compared with white youth, with 41 percent saying they thought Hispanics received the same treatment as white youth.



The public recognizes the language barriers that Hispanic youth face in the juvenile justice system. More than seven out of 10 nationally, and more than six out of 10 in the Models for Change states, think "we should fund more programs to help Hispanic youth who get in trouble with the law overcome the language barriers they face in the juvenile justice system." In addition, six out of 10 respondents agreed that "we should fund more programs that acknowledge and address the cultural backgrounds of Hispanic youth who get in trouble with the law."





**Conclusion: The public is ready to support juvenile justice reform.**

The findings from the survey show that the public is ready to support juvenile justice reform. The public sees rehabilitation, services, treatment and community supervision as more effective ways to curb reoffending than incarceration in either juvenile or adult facilities. A majority of respondents support moving juveniles out of large institutions and into community-based facilities or into community supervision. And the public favors redirecting funds spent on incarceration to support these community-based services.

The public believes the juvenile justice system treats low-income youth, African American youth and Hispanic youth unfairly. The public thinks that poor youth, African American youth and Hispanic youth are more likely to receive worse treatment in the juvenile justice system than white youth charged with the same offense. More than seven out of 10 think that the system should fund more programs that help Hispanic youth overcome language barriers, and six out of 10 support measures to address their cultural backgrounds when they are in the justice system.

These results also show that Models for Change is implementing the kinds of reforms the public supports in Illinois, Pennsylvania, Louisiana and Washington. While the nature of the work varies from state to state, all are working toward reducing overrepresentation and racial and ethnic disparities, improving the delivery of mental health services, expanding community-based alternatives to incarceration, increasing the number of youth receiving services that have been proven effective, keeping young people out of adult facilities and helping young people return home after being in the juvenile justice system.

### About the Poll and Methodology

As part of Models for Change, one of the initiative's grantees—the Center for Children's Law and Policy—asked a public opinion research firm to survey public attitudes on youth, crime, race and the juvenile justice system. In the summer of 2007, Belden Russonello and Stewart (BRS) conducted eight focus groups on the issues in Chicago, Pittsburgh, Baton Rouge and Seattle. Informed by the results from the focus groups, BRS conducted a national survey in September 2007.

Survey interviews were conducted September 17 to September 29 of 500 adults 18 years or older nationwide and approximately 300 adults in the four Models for Change states. The national survey of 500 people had a margin of error of  $\pm 4.4$  percent, and the individual state surveys had a margin of error of  $\pm 5.7$  percent.

For more information, contact Mark Soler, Executive Director, Center for Children's Law and Policy, at msoler@cclp.org or (202) 637-0377 ext. 104.

**Models for Change** is an effort to create successful and replicable models of juvenile justice system reform through targeted investments in key states. With long-term funding and support from the John D. and Catherine T. MacArthur Foundation, Models for Change seeks to accelerate progress toward a more rational, fair, effective, and developmentally appropriate juvenile justice system. Four states - Illinois, Louisiana, Pennsylvania and Washington - have been selected as core Models for Change sites. Other states participate in action networks targeting mental health and disproportionate minority contact in juvenile justice systems.

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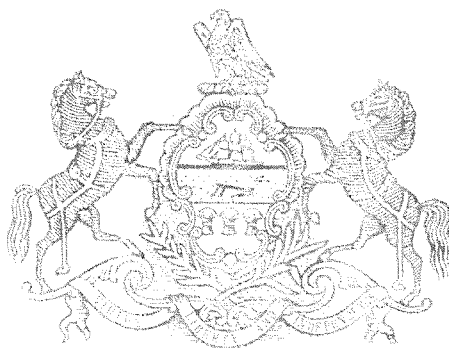
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## Mental Health/Juvenile Justice Joint Policy Statement



Commonwealth of Pennsylvania  
September, 2006

**Commonwealth of Pennsylvania**  
**Mental Health / Juvenile Justice Joint Policy Statement**

The Mental Health/Juvenile Justice (MH/JJ) Work Group of the Pennsylvania MacArthur Foundation Models for Change Initiative is comprised of representatives from the juvenile justice, mental health, child welfare, drug and alcohol, and education systems as well as families. Our vision is that by 2010 every county will have a comprehensive model system that: (1) prevents the unnecessary involvement of youth who are in need of mental health treatment, including those with co-occurring substance abuse disorders, in the juvenile justice system; (2) allows for the early identification of youth in the system with mental health needs and co-occurring disorders; and (3) provides for timely access by identified youth in the system to appropriate treatment within the least restrictive setting that is consistent with public safety needs. The MH/JJ Work Group's goal is to engender the systems change necessary to make this vision a reality, including minimizing barriers that impede county innovation.

This effort is prompted by the recognition that many youth in contact with the juvenile justice system have significant mental health and co-occurring substance abuse treatment needs. Youth with unidentified and untreated mental health and co-occurring substance abuse needs are unable to participate fully in their families, schools and communities, and are at high risk of becoming involved in offending behavior. Once in the juvenile justice system, untreated youth pose a safety risk to themselves and others. Moreover, they are hindered in their ability to participate in their own rehabilitation, be accountable for their actions, and develop competencies, in accordance with the principles of balanced and restorative justice (BARJ) as incorporated into Pennsylvania's Juvenile Act. In order to promote these purposes, the MH/JJ Work Group is committed to implementing policies that promote the early identification of youth with mental health and co-occurring substance abuse needs, appropriate diversion out of the juvenile justice system, and referral to effective, evidence-based treatment that involves the family in both the planning for and delivery of services. Concurrent with these efforts, the MH/JJ Work Group will work to ensure that safeguards are in place to avoid the misdiagnosis and/or overdiagnosis of youth in the juvenile justice system, as well as to protect youth's legal interests and rights.

The MH/JJ Work Group's commitment to cross-systems collaboration to achieve this vision is further premised on the understanding that no one system bears sole responsibility for these youth. Instead, these youth are the community's responsibility and all policy responses developed for them, on both the state and county level, should be collaborative in nature, reflecting the input and involvement of all child-serving systems as well as family members. This commitment is in line with the Pennsylvania Department of Public Welfare's requirement that counties annually submit Children's Integrated Services Plans.

**The Fundamentals of a Comprehensive Model System**

Our goal is to support every Pennsylvania county in developing, through a collaborative effort among all child-serving systems and families, a comprehensive system that features the key components of identification, diversion, short term interventions and crisis management, evidence-based treatment and continuity of care/aftercare planning for youth with mental health needs and co-occurring substance abuse issues. Such a system will integrate families into the planning for and delivery of services, and ensure that youth's legal rights are protected at all stages.

### **Screening and Assessment**

1. Mental health and substance abuse screening is available as needed at key transition points in the juvenile justice system to identify conditions in need of immediate response.
2. Instruments used for screening and assessment are standardized, scientifically-sound, contain strong psychometric properties, and demonstrate reliability and validity for identifying the mental health and substance abuse treatment needs of youth in the juvenile justice system.
3. Safeguards ensure that screening and assessment is used to divert youth out of the juvenile justice system and into mental health and/or substance abuse treatment when appropriate, and information and/or statements obtained from youth are not used in a way that violates their rights against self-incrimination.
4. All youth identified as in need of immediate assistance receive emergency mental health services and substance abuse treatment.
5. All youth identified as in need of further evaluation receive a comprehensive assessment to determine their mental health and substance abuse treatment needs.
6. Youth are not subjected to unduly repetitive screening and assessment.
7. All personnel who administer screening and assessment instruments are appropriately trained and supervised.

### **Continuum of Services**

#### *Diversion*

8. Youth and their families have timely access to evidence-based treatment in their communities, such that youth do not have to enter the juvenile justice system solely in order to access services or as a result of mental illness and co-occurring substance abuse disorders.
9. Diversion mechanisms are in place at every key decision-making point within the juvenile justice continuum such that youth with mental health needs and co-occurring substance abuse disorders are diverted from the juvenile justice system whenever possible and when matters of public safety allow, including into the dependency system as appropriate.
10. Juvenile justice professionals, including judges, prosecutors, defense attorneys and probation officers, receive training on how youth with mental health and co-occurring substance abuse disorders can be diverted into treatment.
11. Youth who have been diverted out of the juvenile justice system are served through effective community-based services and programs.
12. Diversion programs are evaluated regularly to determine their ability to effectively and safely treat youth in the community.

Short-Term Interventions and Crisis Management

13. Secure detention facilities and shelter care programs have services adequate to provide short-term interventions and crisis management to youth with mental health needs and co-occurring substance abuse disorders, in order to keep them safe and stable while awaiting a permanent placement.

Evidence-Based Treatment

14. Assessment data is used to develop comprehensive treatment plans for adjudicated youth as part of their disposition.
15. Representatives from all relevant child serving systems (i.e., juvenile justice, child welfare, mental health, substance abuse, education, etc.) and families engage in the development and implementation of comprehensive treatment plans.
16. If diversion out of the juvenile justice system is not possible, youth are placed in the least restrictive setting possible with access to evidence-based, developmentally-appropriate treatment services. Such services are tailored to reflect the individual needs and variation of youth based on issues of gender, ethnicity, race, age, sexual orientation, socio-economic status, and faith.
17. Qualified mental health and substance abuse personnel are in place to provide treatment to youth in the juvenile justice system.
18. In-state capacity provides support for evidence-based treatment programs and their proliferation.
19. Mechanisms are in place to continually measure and evaluate the effectiveness of various treatment modalities, as well as the quality of service delivery.

Continuity of care/aftercare

20. Representatives from all relevant child serving systems (i.e., juvenile justice, child welfare, mental health, substance abuse, education, etc.) and families are engaged in the development and implementation of comprehensive treatment plans to ensure continuity of care as youth move to new juvenile justice placements, appropriate aftercare when youth are released from placement to the community, and to aid in the youth's transition to adulthood.

**Family Involvement**

21. Families engage with all relevant child-serving systems in the development and implementation of comprehensive treatment and aftercare plans for their children.
22. All services are child-centered, family focused, community-based, multi-system and collaborative, culturally competent and offered in the least restrictive/intrusive setting as possible, and these CASSP principles are followed in all treatment planning and implementation.

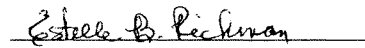
### Funding

23. Sustainable funding mechanisms are identified to support all services identified above as comprising the continuum of care, particularly for screening and assessment, evidence-based treatment practices, and cross-training of professionals from the various child-serving systems.

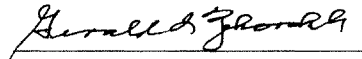
### Legal Protections

24. Policies control the use of pre-adjudicatory screening and/or assessment information, as well as information gathered during post-disposition treatment, to ensure that information is not shared or used inappropriately or in a way that jeopardizes the legal interests of the youth as defendants, including their constitutional right against self-incrimination.

September 2006



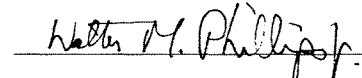
Hon. Estelle B. Richman, Secretary  
Pa. Department of Public Welfare



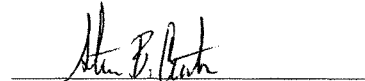
Dr. Gerald L. Zahorchak, Secretary  
Pa. Department of Education



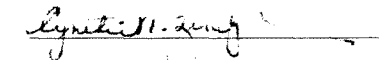
Hon. Arthur E. Grim, Chairman  
Pa. Juvenile Court Judges' Commission



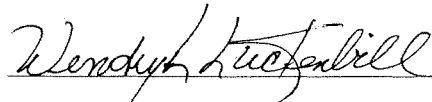
Hon. Walter M. Phillips, Jr., Chairman  
Pa. Commission on Crime and Delinquency



Steven B. Custer, President  
Pa. Council of Chief Juvenile  
Probation Officers



Cynthia Zembryki  
Mental Health/Mental Retardation Program  
Administrators Association of Pa.



Wendy Luckenbill, Children's Policy Coordinator  
Mental Health Association in Pa.

Note: This policy statement is based, in part, on many of the principles and recommendations found in *Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System* (Draft January 2006) developed by the National Center for Mental Health and Juvenile Justice at Policy Research Associates, Inc. with support from The Office of Juvenile Justice and Delinquency Prevention. *BLUEPRINT FOR CHANGE* can be found at [www.ncmhjj.com](http://www.ncmhjj.com).

December 28, 2007

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The Honorable Patrick Leahy  
 Chair  
 Committee on the Judiciary  
 U.S. Senate  
 224 Dirksen Senate Office Building  
 Washington, DC 20510-6275

Dear Senator Leahy,

Thank you for the opportunity to testify before the Committee on the Judiciary on December 5, 2007. The following provides my response to questions submitted to me from members of the committee.

**Questions from Senator Leahy:**

**1. We have heard much about states that are out of compliance with the Juvenile Justice and Delinquency Prevention Act and therefore receive inadequate funding to keep their programs running. We have also heard that many of these states do not know how they can get back into compliance. Would you recommend an approach to states that are out of compliance with the Act different from the approach currently being used?**

State compliance with the four core protections is fundamental to achieving the overarching and essential goals of the JJDPa of prevention and rehabilitation. The JJDPa reauthorization must focus states' attention on the core protections in order to make these primary goals achievable.

According to the latest compliance report from the Office of Juvenile Justice & Delinquency Prevention, "FY 2006 DETERMINATION OF STATE COMPLIANCE WITH THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 2002" Prepared in November, 2006, most states are in compliance with the basic requirements of the JJDPa. [See *attached report*].

However, in recent years, achieving these goals have become increasingly difficult, given diminished federal resources and simultaneous increased purposes. It is imperative the newly reauthorized Act refocus a more significant portion of juvenile justice programming



and activities on the core protections and that the Office of Juvenile Justice and Delinquency Prevention take a more proactive and constructive role in supporting states in achieving and maintaining compliance with the Act.

Additionally, compliance determinations should not be used as a way to exclude states from positive and effective juvenile justice reforms. Rather, the compliance process should support states in being forthright about their compliance challenges, and should provide states with the accountability and assistance they need to overcome them and facilitate the continuous improvement of their juvenile justice systems. To accomplish this, we need increased transparency on how states are complying with the act. Currently, OJJDP and states are not required to publicly report compliance with the JJDP A.

As most states are in compliance with the minimum requirements, I would recommend that the current compliance structure be maintained. However, I would recommend the following ways to strengthen the compliance process:

- (1) The JJDP A emphasize compliance with the core protections as a top priority in the state plan requirements and require all states to designate a specific individual as a compliance monitor for that state.
- (2) Language in the JJDP A should make the compliance process more transparent by making certain information publicly available. OJJDP and the states should make reports public and timely in order to increase accountability and transparency at the federal level regarding all aspects of JJDP A implementation.
- (3) OJJDP should be required to provide intensive training and technical assistance to the states to assist them in achieving and maintaining compliance with the core protections.

**2. You referred in your testimony to the recent Centers for Disease Control and Prevention report on the effects of the transfer of children to the adult correctional system in your testimony. What does the CDC report say about the correlation between jailing juveniles in adult prisons and recidivism rates?**

On November 30, 2007, the Centers for Disease Control and Prevention (CDC) released the Task Force on Community Preventive Services findings that transferring youth to the adult criminal system causes harm to juveniles. These findings were contained in the Morbidity and Mortality Weekly Report (MMWR). The Task Force on Community Preventive Services is a 15-member non-Federal task force supported by the Centers for Disease Control and Prevention (CDC). CDC scientists review the effectiveness of health care interventions for the Task Force and then make recommendations to the public health community and health care delivery organizations. The recommendations generated by the Task Force are combined to form the *Guide to Community Preventive Services*, which includes a section on violence.

Overall, the Task Force recommends against laws or policies facilitating the transfer of juveniles from the juvenile justice to the adult judicial system for the purpose of reducing violence. Key findings in the report show the following:

(1) Transferring juveniles to the adult justice system is counterproductive as a strategy for deterring subsequent violence: The Task Force found strong evidence that youth who have been previously tried as adults are more likely to commit additional violent crimes. The weight of evidence shows that youth who are transferred from the juvenile court system to the adult criminal system are approximately 34% more likely than youth retained in the juvenile court system to be re-arrested for violent or other crime.

(2) There is insufficient evidence that transferring youth to the adult criminal system prevents youth crime: The Task Force found insufficient evidence to justify assertions that trying youth as adults prevents youth from committing crimes in the first place.

(3) Strengthened transfer policies may be harmful for those juveniles who experience transfer: The review notes that other violent outcomes may result from the transfer of youth to the adult system. These violent outcomes include an increase in pretrial violence, victimization of juveniles in adult facilities, and elevated suicide rates for juveniles incarcerated in adult facilities. Specific estimates of suicide rates in the report are: 2041 per 100,000 for youth held in adult detention facilities; 57 per 100,000 for youth held in juvenile detention centers; and 12.4 per 100,000 for all those aged 12 to 24 in the U.S. population.

(4) The costs/benefits are unknown: The review notes a rarity of studies that compare the costs of transferring youth to the adult system against the costs of retaining youth in the juvenile justice system. While the review questions the motive for evaluating harmful interventions (transfer laws and policies), it suggests that a cost-benefit comparison of the adult and juvenile justice systems may foster a constructive debate over the economic consequences of reform.

I must add one caveat: that this research did not include consideration of the most serious and violent offenders, some of whom may be beyond the reach of the rehabilitative programs of the juvenile justice system. Public safety concerns require that this limited number of offenders, a very small percentage of the juveniles now being prosecuted as adult offenders, be prosecuted in the criminal justice system where longer sentences are available.

### **3. How would the federal-state workforce development partnership work? Why do you see this as an important addition to the Juvenile Justice and Delinquency Prevention Act?**

The juvenile justice workforce carries out the intent of the JJDPa and the work undertaken each day with our youth in the juvenile justice system. This workforce is comprised of a group of dedicated, but too frequently poorly supported workers – intake, caseworker, court, probation and parole, detention and correctional facility, legal, and judicial staff. It is spread across public and private agencies (the private agencies being ones that contract with states and localities to carry out the state and local public agencies' responsibilities). We have seen a poor track record in the recruitment and retention of this staff, similar to what we have seen in other child serving areas, e.g. child welfare. They too often are paid too little, inadequately trained, given too few of the tools they need to effectively do their work, poorly supervised and given extraordinarily high workloads.

Efforts need to be made through the JJDPa to further support and professionalize this workforce. This can be done through adoption of a new provision within the Act that requires OJJDP to develop programming that supports workforce development in partnership with the states, as is done in child welfare through Title IV-E. This would allow for the development of State Agency/university partnerships to be partially federally supported in providing entry level and in service training for juvenile justice staff. It would also allow for recruitment partnerships between state agencies and universities to help identify and support the development of a career track for students interested in working with youth and families involved in the juvenile justice system. This career track would include internship experience and tuition subsidies for any student who commits to work in a juvenile justice agency within the state for a minimum period of time. Time and again we hear from young people in the juvenile justice system who succeed in turning away from crime, that what made the difference was a connection to a person in the system – a caseworker, probation officer, lawyer, or judge, who had a profound impact on their life. It is this workforce, plagued by heavy workloads and high turnover rates, that needs to be better supported to do its life changing work. When we think of the severe problems plaguing the juvenile correctional system, e.g. in Texas, California and Indiana, we can better understand how strengthening the workforce is a key strategy to safeguarding our youth.

In sum, this area of focus has not been adequately addressed in the JJDPa up to this point in time. This reauthorization, therefore, provides Congress with the opportunity to strengthen the juvenile justice field in a critically important manner. I look forward to working with the committee in any way possible to shape this new concept.

**4. In light of the extensive research we now have on adolescent brain development, racial and ethnic disparities in the juvenile justice system, and the implications of transferring youth into the criminal justice system, what principles should Congress use to guide the reauthorization of the Juvenile Justice and Delinquency Prevention Act?**

As a guide to the reauthorization of the JJDPa, the Congress should consider the principles embodied in the “Statement of Principles” document signed by more than 250 national, state and local organizations throughout the country. The statement recommends four principles for the reauthorization:

- (1) Keep children and youth out of the justice system;
- (2) Ensure equity and competence in juvenile justice programs;
- (3) Ensure responses appropriate to a young person’s age and stage of development; and
- (4) Strengthen the federal partnership with the states.

I’ve attached the statement for your consideration.

**Questions from Senator Kennedy:**

**1. There is a loophole in the JJDPa that allows youth charged as adults to be confined in adult jails. Do you advocate closing this loophole?**

Yes, I support closing this loophole as the original intent of the JJDPa was to shield children from the dangers of adult jails and lock-ups by separating them from adults. Under the "Adult Jail and Lock-up Removal" protection of the Act, youth cannot be detained in adult jails except in limited situations, and in those narrow circumstances the "Sight and Sound Separation" protection prohibits contact with adult offenders.

While the original intent of the JJDPa and subsequent reauthorizations was to keep children away from the dangers of adult jails and lock-ups, the protection does not apply to youth under age 18 who are not subject to a state's juvenile delinquency court jurisdiction (they are classified as adults) or to juveniles who are subject to delinquency court jurisdiction but are under the jurisdiction of the adult criminal court due to their "transfer" through state statutory provisions. When the JJDPa was originally authorized in 1974 and reauthorized in 1980, Congress did not contemplate the increases in the numbers of youth prosecuted in the adult criminal justice system and their resulting placement in adult jails and lockups outside the protections of the JJDPa.

Congress can redress this problem by extending the protections of the JJDPa to prohibit the placement of all individuals under the age of 18 in adult jails and lock-ups during the pendency of their adult criminal court cases.

**2. What would be the impact of closing this loophole?**

Such a prohibition would recognize the fact that nearly half of the youth who are prosecuted in adult criminal courts by state transfer or waiver statutes are neither convicted nor sentenced as adult offenders and would better provide for their safety and future rehabilitation if convicted. Implementation of this provision would require planning within the states and should be adopted by providing the states a two year window to achieve compliance. It should also be supported by significant technical assistance through OJJDP.

**3. What alternatives can be put into place to keep youth out of the adult criminal justice system?**

The current juvenile justice system found in states is a much more viable alternative than the adult criminal justice system in treating children in conflict with the law. Federal, state and local policymakers should redirect public investments into the juvenile justice system as a more effective investment than treating them in the adult criminal justice system. While the research we now have in hand clearly establishes the more effective outcomes of the juvenile justice system, there is still much to be done to strengthen and empower it to better serve the youth in its care.

In addition, however, states should consider adopting policies and statutory provisions that allow for the extended jurisdiction of the juvenile court for serious offenders who may require extended supervision and/or treatment. This is particularly important for juvenile offenders who commit their offenses close to the age of adult criminal responsibility in the state where the offense took place. This is often cited as the reason for transfer by prosecutors and judges and can be addressed by introducing this flexibility in sentencing.

I also encourage the committee to review the following material that highlights promising juvenile justice initiatives – those that have been shown to be effective in promoting public safety and helping young people:

- (1) The evidence and theory based practices and promising programs featured in “Blueprints for Violence Prevention” released by the Center for the Study of Violence Prevention in Denver Colorado;
- (2) The Washington State Public Policy Institute evaluation of juvenile justice programs;
- (3) The Annie E. Casey Foundation’s Juvenile Detention Alternative Initiative (JDAI);
- (4) “Return Them to Juvenile Court” publication by former state legislator and juvenile court judge Ted Rubin referenced just three examples of programs that have effectively worked to treat children in conflict with the law as an alternative to the adult criminal justice system.

Attached are copies of all of these materials.

#### **4. What is the significance of the research released by the CDC for the reauthorization of the JJDP?**

On November 30, 2007, the Centers for Disease Control and Prevention (CDC) released the Task Force on Community Preventive Services findings that transferring youth to the adult criminal system causes harm to juveniles. These findings were contained in the Morbidity and Mortality Weekly Report (MMWR). The Task Force on Community Preventive Services is a 15-member non-Federal task force supported by the Centers for Disease Control and Prevention (CDC). CDC scientists review the effectiveness of health care interventions for the Task Force and then make recommendations to the public health community and health care delivery organizations. The recommendations generated by the Task Force are combined to form the *Guide to Community Preventive Services*, which includes a section on violence.

Overall, the Task Force recommends against laws or policies facilitating the transfer of juveniles from the juvenile justice to the adult judicial system for the purpose of reducing violence. Key findings in the report show the following:

- (1) Transferring juveniles to the adult justice system is counterproductive as a strategy for deterring subsequent violence: The Task Force found strong evidence that youth who have been previously tried as adults are more likely to commit additional violent crimes. The weight of evidence shows that youth who are transferred from the juvenile court system to

the adult criminal system are approximately 34% more likely than youth retained in the juvenile court system to be re-arrested for violent or other crime.

(2) There is insufficient evidence that transferring youth to the adult criminal system prevents youth crime: The Task Force found insufficient evidence to justify assertions that trying youth as adults prevents youth from committing crimes in the first place.

(3) Strengthened transfer policies may be harmful for those juveniles who experience transfer: The review notes that other violent outcomes may result from the transfer of youth to the adult system. These violent outcomes include an increase in pretrial violence, victimization of juveniles in adult facilities, and elevated suicide rates for juveniles incarcerated in adult facilities. Specific estimates of suicide rates in the report are: 2041 per 100,000 for youth held in adult detention facilities; 57 per 100,000 for youth held in juvenile detention centers; and 12.4 per 100,000 for all those aged 12 to 24 in the U.S. population.

(4) The costs/benefits are unknown: The review notes a rarity of studies that compare the costs of transferring youth to the adult system against the costs of retaining youth in the juvenile justice system. While the review questions the motive for evaluating harmful interventions (transfer laws and policies), it suggests that a cost-benefit comparison of the adult and juvenile justice systems may foster a constructive debate over the economic consequences of reform.

I must add one caveat: that this research did not include consideration of the most serious and violent offenders, some of whom may be beyond the reach of the rehabilitative programs of the juvenile justice system. Public safety concerns require that this limited number of offenders, a very small percentage of the juveniles now being prosecuted as adult offenders, be prosecuted in the criminal justice system where longer sentences are available.

#### **Questions from Senator Feingold:**

**1. During the time that you were the Administrator of OJJDP, there was a significant and consistent decline in the rate of serious juvenile crime. What factors do you think accounted for this decline?**

There has been much written about the reasons for the decline in juvenile crime that began in the mid to late 1990's. To date, however, there has been an absence of rigorous research around this question.

In the articles that have been written about the decline it has been attributed to a variety of factors. These include the increased investment made in strengthening the juvenile justice system, providing both greater accountability and efforts at rehabilitation; the development of additional prevention programs seeking to stem the flow of vulnerable young people into patterns of delinquency; reduced poverty rates and an improving economy creating more economic opportunities for both youth and their families, thereby providing more hope for the future; reduced drug usage and trade activity, drawing less young people into this harmful lifestyle; and the short term benefit of incapacitation through the incarceration of youth in both the juvenile and criminal justice systems. While the short term benefit of

incapacitation in the adult system appears at first blush to be an attractive option, we need to remind ourselves of the most recent research showing that incapacitation in the adult system leads in the long term to more recidivism and more serious offending.

It is likely that all of the above factors are inter-related and will continually interact with one another. It is for this reason that we need to do our best to continue our efforts at the federal, state and local levels to strengthen the juvenile justice system, use a smart balance of prevention, accountability and rehabilitation in our efforts to attack juvenile crime, and do our best in providing opportunities for the positive development of our most challenged and challenging young people.

## **2. Why is federal investment and involvement in state and local juvenile justice efforts important?**

Federal investment and involvement in state and local juvenile justice efforts is absolutely crucial to improving state juvenile delinquency prevention and intervention efforts. The JJDP Act has created a unique partnership between agencies of the federal government and leaders in the juvenile justice field in the states and localities as an integral part of the structure of the Act. This partnership and the efforts that have resulted at the state and local level have led to better outcomes for our young people.

OJJDP is uniquely positioned to provide national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. Indeed, OJJDP serves all of the various stakeholders in the juvenile and criminal justice systems in the tribes, localities and states. Charged with supporting and working in partnership with states and communities in their efforts to develop and implement effective and coordinated prevention and intervention programs and to improve the juvenile justice system so that it protects public safety, holds offenders accountable, and provides treatment and rehabilitative services tailored to the needs of juveniles and their families, OJJDP is the one place where the courts, prosecutors, defenders, probation, community-based organizations, law enforcement, and state and local leaders in the field can turn for support.

Given that there are in effect, 56 different juvenile justice systems in the states, the District of Columbia, and the territories, not to mention tribal juvenile courts, it is critical that the juvenile justice field have a dedicated focus and a "home" within the federal government for purposes of developing national policies, objectives, priorities and plans, and for providing guidance, support and oversight to states/territories in implementing the JJDP Act. In a sense, the JJDP Act provides the juvenile justice field and those 56 different juvenile justice systems a set of standards that is otherwise missing.

The importance of dedicating adequate resources to support the functions of this Office cannot be overstated. As a former Administrator of the OJJDP, I urge you to ensure that juvenile justice retains an active "home" that is focused on delinquency prevention and control, rehabilitation, and child protection within the U.S. Department of Justice at OJJDP - with an administration guided by experts and whose actions are both timely and transparent to the public. It should also be made clear that it is the intent of Congress that these functions of the OJJDP are to be under the control of, and performed by that office

and not delegated to other departments within the Department of Justice. This splintering and fragmentation of OJJDP has been taking place in recent years and has undermined the ability of the office to fulfill its leadership role. The rich body of work that OJJDP developed and from which the field benefited in the 1990's through demonstration programs, research, evaluation, publications, and training has been diminished in recent years. This reauthorization must ensure that it is restored.

As the unique partnership between the federal government and the states relates to research on best or promising practices, I urge the Congress to strengthen the federal partnership with state, local, and tribal governments. Specifically, Congress should strengthen the federal role in supporting state, local, and tribal needs by providing sufficient resources and appropriations for jurisdictions to effectively implement the JJDPA, to fully comply with its core protections for children and to ensure state and local adherence to high standards of performance.

**3. Is the evidence regarding the ineffectiveness of boot camps and other “get tough” programs sufficient at this time for Congress to prohibit the use of JJDPA funds for such programs?**

Research evidence is conclusive at this time that “get tough” programs do not reduce recidivism or deter crime. The JJDPA should bar the use of federal JJDPA funds for “Scared Straight,” boot camps and other such programs.

The “Scared Straight” program, created by inmates at a New Jersey state prison in the 1970's, helped popularize this style of intervention. However, when “Scared Straight” was evaluated in 1982, juveniles who had been through the program were actually *more* likely to be arrested afterwards than a control group (Finckenauer, 1982). This finding was corroborated in 2003 by a meta-analysis of the entire body of research on “Scared Straight” (Petrosino et al., 2003).

Boot camp programs, which share the confrontational style of “Scared Straight,” have also failed to reduce recidivism or deter crime. In 1992, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) developed three boot camps designed to address juvenile offenders (in Cleveland, Ohio; Mobile, Alabama; and Denver, Colorado). When the OJJDP undertook an evaluation of these programs, it was found that youth who passed through the Cleveland program were significantly *more* likely to recidivate than the control group. The Mobile and Denver boot camps had no significant effect on recidivism (Peters, Thomas & Zamberlin, 1997).

A report released by the U.S. Department of Justice also identified recidivism reduction as the “unmet goal” of boot camps (Parent, 2003). The hearing held in front of the U.S. House Judiciary Subcommittee on December 13, 2007 reflected the concern of citizens and legislators in regards to boot camps, especially in response to tragedies such as the January 2006 death of a youth at a Panama City, Florida camp.

What makes these popular “get tough” programs ineffective, although they have been appealing to so many politicians and lawmakers? Frank Bindhammer, founder of the



“Scared Straight” program later admitted, “The program in no way attacks poverty, a poor education, family difficulties, unemployment or racial discrimination as the real causes of juvenile crime.” We should not focus government resources on programs that produce negligible results and deleterious side effects. Instead we should fund those programs that have been proven effective by scientific research and provide youth with comprehensive treatment and support.

**Questions from Senator Durbin:**

**1. What does the scientific research now available reveal about the consequences of incarcerating youth with adults in adult jails and prisons? What are the implications for the reauthorization of the JJDP?**

The scientific research now available shows that prosecuting youth in the adult criminal justice system, including incarcerating youth with adults in adult jails and prisons, does not reduce crime. For example, the Centers for Disease Control and Prevention (CDC) released the Task Force on Community Preventive Services findings in November, 2007 that showed that transferring youth to the adult criminal system causes harm to juveniles and that youth who are transferred from the juvenile court system to the adult criminal system are approximately 34% more likely than youth retained in the juvenile court system to be re-arrested for violent or other crime.

The JJDP reauthorization should take this new research into account in the following ways:

- (1) The JJDP should extend the “Jail Removal” provision to youth who are awaiting trial in adult court.
- (2) The JJDP should require OJJDP to provide intensive Technical Assistance (TA) to states and counties to comply with the above provision.
- (3) Since one of the original intents of the JJDP was to prohibit the placement of youth in adult correctional facilities, the JJDP should revise the definition of an adult inmate.

Under the JJDP of 2002, a definition of “adult inmate” was added and the Office of Juvenile Justice and Delinquency Prevention sent out guidance to states on this in several memos that advised states that their laws or state practices would need to change so that youth prosecuted as adults would be separated from other youth in juvenile correctional facilities. This guidance had a direct impact on those states that permitted juveniles who were transferred for adult prosecution to remain in a juvenile facility pending the resolution of their case in the adult criminal justice system.

The effect of the new federal policy has penalized states who have sought to implement more humane approaches to serving youth in the justice system. This includes sentencing juveniles who have been prosecuted in the criminal justice system to juvenile correctional facilities. For example, states such as Oregon, that provide that youth sentenced as adults

who need to be incarcerated be placed in juvenile facilities rather than adult prisons, would now need to change their state statute and practice. *[See attached letter from the OR, WA and ID state advisory groups].*

The result could mean that some states would put more youth into adult prisons or be forced to construct new correctional facilities to house youth as well as hire new staff. OJJDP needs to reconsider this guidance and provide that states that choose to place offenders who are under the age of 18 and have been convicted as adult offenders in juvenile facilities, may do so with proper classification that ensures the safety of all inmates in those facilities.

(4) The JJDP A should require OJJDP to work with states and counties to collect data on an on-going basis on youth in the adult criminal justice system, including age, race, ethnicity, gender, offense, pre-trial detention, transfer mechanism, sentencing outcome, placement pre and post trial in jails, prisons or juvenile facilities.

(5) The JJDP A should require OJJDP to conduct research on the effectiveness of the practice of filing on juveniles as adults in criminal courts, i.e. increased or decreased public safety and violence, and the status of the facility conditions as well as developmentally appropriate services and programs for youth in adult jails and prisons.

## **2. Is there a correlation between transferring youth to the adult criminal justice system and recidivism rates? Please explain.**

Studies by researchers throughout the country show that sending children to the adult criminal justice system increases recidivism.

For example, in one study conducted by Dr. Donna Bishop of Northeastern University comparing the recidivism of children waived to criminal court with those retained in juvenile court, the research found that the "adultified" group was more likely to be re-arrested and to commit more serious new offenses; they also re-offended more quickly. Another study conducted by Dr. Jeffrey Fagan of Columbia University compared the recidivism rates of children in two states (New York and New Jersey) that differed only by the age at which they prosecuted youthful offenders in the adult system. The research results provide overwhelming evidence that trying children as adults is counterproductive as a crime fighting strategy. A summary of this research is attached.

And, the most recent study issued by the Centers for Disease Control in November, 2007, found strong evidence that youth who have been previously treated as adult offenders are more likely to commit additional violent crimes. The weight of evidence shows that youth who are transferred from the juvenile court system to the adult criminal system are approximately 34% more likely than youth retained in the juvenile court system to be re-arrested for violent or other crime.

Please let me know if you have questions or need additional information. I can be reached at (202) 687-7656.

Sincerely,

Shay Bilchik  
Director  
Center for Juvenile Justice Reform  
Georgetown University

#### Attachments

- JJJPA State Compliance 2007 [attached]

- Act 4 Juvenile Justice campaign 'Statement of Principles'

[http://www.act4jj.org/media/factsheets/factsheet\\_11.pdf](http://www.act4jj.org/media/factsheets/factsheet_11.pdf)

- Blueprints for Change resources

<http://www.colorado.edu/cspv/blueprints/>

- Washington State Institute for Public Policy *Evidence Based Juvenile Offender Programs: Program Description, Quality Assurance, and Cost*. <http://www.wsipp.wa.gov/rptfiles/07-06-1201.pdf>

- Annie E. Casey Foundation Juvenile Detention Alternatives Initiative resources

<http://www.aecf.org/Home/MajorInitiatives/JuvenileDetentionAlternativesInitiative/Resources.aspx>

- "Return Them to Juvenile Court" publication

<http://www.campaignforyouthjustice.org/Downloads/KeyResearch/MoreKeyResearch/AdulthoodPolicyBriefVoll.pdf>

- MacArthur Foundation Research Network on Adolescent Development policy brief on transfer

[http://www.adjj.org/downloads/3582issue\\_brief\\_5.pdf](http://www.adjj.org/downloads/3582issue_brief_5.pdf)

- Letter from the OR, WA and ID state advisory groups on the "adult inmate" exception [attached]

- Correctional Bootcamps: Lessons from a Decade of Research.

<http://www.ncjrs.gov/pdffiles1/nij/197018.pdf>

- Boot Camps for Juvenile Offenders

<http://www.ncjrs.gov/pdffiles/164258.pdf>

- Petrosino, A., Turpin-Petrosino, C., and Buehler, J. (2003). "Scared Straight" and other juvenile awareness programs for preventing juvenile delinquency

(Updated C2 Review). In: *The Campbell Collaborative Reviews Of Intervention and Policy Evaluations* (C2-RIPE). Philadelphia, Penn: Campbell Collaboration.

<http://www.campbellcollaboration.org/doc-pdf/ssp.pdf>

- Recent Testimony:

<http://judiciary.house.gov/media/pdfs/MacKenzie071213.pdf>

<http://judiciary.house.gov/media/pdfs/Gibson071213.pdf>

[http://www.house.gov/list/press/f03\\_brown/pr\\_071217.html](http://www.house.gov/list/press/f03_brown/pr_071217.html)

- National Institute for Alternatives to Incarceration Fact Sheet "Scared Straight: A Second Look?"

<http://66.165.94.98/stories/scareds.html>

- "Effects of Correctional Boot Camps on Offending"

[http://www.campbellcollaboration.org/doc-pdf/Wilson\\_bootcamps\\_rev.pdf](http://www.campbellcollaboration.org/doc-pdf/Wilson_bootcamps_rev.pdf)

**FY 2006 DETERMINATION OF STATE COMPLIANCE  
WITH  
THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF  
2002\***

(The 2006 status of compliance determines a state's eligibility for funding in FY 2007)

Prepared November 2006

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has determined that 55 jurisdictions (states and territories), defined as states in Section 103(7) of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002, were eligible to receive fiscal year (FY) 2007 allocations under the JJDP Act Formula Grants Program. One state, Wyoming, does not participate in the JJDP Act Formula Grants Program and, therefore, will not apply for Formula Grants Program funds in FY 2007.

What follows is a summary of compliance by the states and territories (henceforth referred to as states) with Sections 223(a)(11), (12), (13), and (22), of the JJDP Act of 2002. OJJDP based its FY2006 compliance decisions regarding Sections 223(a)(11), (12), and (13), in most cases, on 2004 monitoring reports to determine whether the states met compliance levels for these three core requirements to qualify for FY 2007 Formula Grant funds. Each state's annual monitoring report is based on data the state collected from secure juvenile and adult facilities. State data collection involves facilities self-reporting to a state agency, state agencies collecting data onsite, or a combination of these methods. OJJDP requires all state agencies administering the JJDP Formula Grants Program to verify self-reported data they receive from facilities and data they receive from other state agencies.

OJJDP's FY 2006 compliance decision regarding the fourth core requirement—Section 223(a)(22) (reduction of disproportionate minority contact (DMC))—of the JJDP Act of 2002 is based on information each state provides in its FY 2006 Formula Grants applications. Each state's Formula Grant application each year includes a DMC Compliance Plan which describes the progress made in the area of DMC reduction in the prior fiscal year and outlines plans for the next (as in a Plan Update) or the next three years (as in a Comprehensive three-Year Plan). All states, except for Puerto Rico, which has been exempted by the U.S. Census Bureau from reporting racial statistics must update their *DMC Identification Spreadsheets* at least once every three years when the three-year Plans are due with the most recent available data statewide and at least three counties with the highest minority concentration or, preferably, the localities with focused DMC-reduction efforts. OJJDP annual determination of state compliance with the DMC core requirement is based on the completeness of their DMC Compliance Plans, the demonstration of actual, systematic, continuing, and good faith implementation of their planned activities, and the progress reported each year.

\* The Juvenile Justice and Delinquency Prevention Act of 2002 was enacted on November 2, 2002. The provisions of the JJDP Act of 2002 became effective on October 1, 2003, and OJJDP will apply these provisions to determine eligibility for awards in FY 2007.

**Section 223(a)(11)**  
**Deinstitutionalization of Status and Nonoffenders (DSO)**

Two states are in full compliance with the DSO provision, based on zero reported violations of Section 223(a)(11) of the JJDP Act of 2002:

American Samoa

Maine

Forty-eight states are in compliance with *de minimis* exceptions to Section 223(a)(11) of the JJDP Act of 2002:

Alabama*	Kansas	Ohio
Alaska*	Kentucky	Oklahoma
Arizona	Louisiana	Oregon
Arkansas	Maryland	Pennsylvania
California	Massachusetts	Puerto Rico
Colorado	Michigan	Rhode Island
Connecticut	Minnesota	South Carolina *
Delaware	Missouri*	South Dakota
District of Columbia	Montana	Tennessee
Florida *	Nebraska	Texas
Georgia	Nevada	Utah
Guam	New Hampshire	Vermont
Hawaii	New Jersey	Virginia
Idaho	New Mexico	West Virginia
Illinois	New York	
Indiana	North Carolina	
Iowa	North Dakota	

Five states are out of compliance with Section 223(a)(11) of the JJDP Act of 2002:

Washington*	Mississippi *	Virgin Islands
Wisconsin*	Northern Mariana Islands	

\* Compliance for these states is based on 2005 compliance monitoring data.

**Section 223(a)(12)**  
**Separation of Juveniles and Adult Offenders**

Forty-one states are in full compliance with the separation provision, Section 223(a)(12) of the JJDP Act of 2002, based on zero reported violations:

Alabama*	Indiana	Oklahoma
Alaska*	Iowa	Pennsylvania
American Samoa	Kansas	Rhode Island
Arkansas	Kentucky	South Carolina*
Arizona	Maine	Tennessee
California	Massachusetts	Texas
Colorado	Minnesota	Utah
Connecticut	Mississippi*	Vermont
Delaware	Montana	Washington*
District of Columbia	Nebraska	West Virginia
Florida*	Nevada	Wisconsin*
Georgia	New Hampshire	
Hawaii	New Mexico	
Idaho	North Dakota	
Illinois	Ohio	

Eleven states are in compliance with the separation provision, based on the regulatory criteria set forth in Section 31.303(f)(6)(ii) of the OJJDP Formula Grants Regulations (28 CFR 31), published in *The Federal Register* on June 20, 1985:

Guam	New York
Kansas	North Carolina
Louisiana	Oregon**
Michigan**	South Dakota
Missouri*, **	Virginia**
New Jersey	

Three states were out of compliance with Section 223(a)(12) of the JJDP Act of 2002:

Northern Mariana Islands  
 Puerto Rico  
 Virgin Islands

\* Compliance for these states is based on 2005 compliance monitoring data.

\*\* These states currently allow juveniles and young adult inmates to commingle in their juvenile correctional facilities and training schools. These states must submit and implement an acceptable plan to eliminate the noncompliant incidents. OJJDP is currently working with these states to develop and implement their plans.

**Section 223(a)(13)**  
**Jail and Lockup Removal**

Seven states are in full compliance with the jail and lockup removal provision, based on zero reported violations of Section 223(a)(13) of the JJDP Act of 2002:

Alabama*	Idaho	New Mexico
American Samoa	Illinois	
District of Columbia	Kentucky	

Forty-two states are in compliance with the jail and lockup removal provision with either the numerical *de minimis* or substantive *de minimis* exceptions to Section 223(a)(13) of the JJDP Act of 2002:

Alaska*	Maine	Oklahoma
Arizona	Maryland	Pennsylvania
Arkansas	Massachusetts	Rhode Island
California	Michigan	South Dakota
Colorado	Minnesota	Tennessee
Connecticut	Missouri*	Texas
Delaware	Montana	Utah
Florida*	Nebraska	Vermont
Georgia	New Hampshire	Virginia
Guam	New Jersey	Washington*
Hawaii	New York	West Virginia
Indiana	Nevada	Wisconsin*
Iowa	North Carolina	
Kansas	North Dakota	
Louisiana	Ohio	

Six states are out of compliance with Section 223(a)(13) of the JJDP Act of 2002:

Mississippi*	Oregon	South Carolina*
Northern Mariana Islands	Puerto Rico	Virgin Islands

\* Compliance for these states is based on 2005 compliance monitoring data.

**Section 223(a)(22)**  
**Reduction of Disproportionate Minority Contact (DMC)**  
 (Based on FY 2006 Formula Grants Applications, as of September 21, 2006)



Fifty-one states are in compliance:

Alabama	Louisiana	Oklahoma
Alaska	Maine	Oregon
Arkansas	Maryland	Pennsylvania
Arizona	Massachusetts	Rhode Island
California	Michigan	South Carolina
Colorado	Minnesota	South Dakota
Connecticut	Missouri	Tennessee
Delaware	Montana	Texas
Florida	Nebraska	Utah
Georgia	Nevada	Vermont
Hawaii	New Hampshire	Virginia
Idaho	New Jersey	Washington
Illinois	New Mexico	West Virginia
Indiana	New York	Wisconsin
Iowa	North Carolina	American Samoa
Kansas	North Dakota	Guam
Kentucky	Ohio	Virgin Islands

Two states are out of compliance.

Mississippi                      Northern Mariana Islands

One state is under review:

District of Columbia

One territory is exempt from complying with the DMC requirement (the U.S. Census Bureau has exempted this territory from reporting racial statistics due to the homogeneity of the population):

Puerto Rico

One state did not participate in the FY 2006 Formula Grants Program:

Wyoming

**FY 2006 DETERMINATION OF STATE COMPLIANCE TOTALS - 55 STATES**Deinstitutionalization of Status Offenders

Full Compliance: Zero violations	2
In Compliance: <i>De minimis</i> exceptions	48
Out of Compliance with Section 223(a)(11)	5

Separation of Adults and Juveniles

Full Compliance: Zero violations	41
In Compliance: Exception provision	11
Out of Compliance with Section 223(a)(13)	3

Removal of Juveniles from Adult Jails and Lockups

Full Compliance: Zero violations	7
In Compliance <i>De minimis</i> exceptions	42
Out of Compliance with Section 223(a)(14)	6

Reduction of Disproportionate Minority Contact

In Compliance	51
Out of Compliance with Section 223(a)(22)	2
Under Review	1
Exempt from this requirement	1

◆ One state did not participate in the FY 2006 Formula Grants Program:

Wyoming

For further information regarding state compliance with Section 223(a)(11), (12), and (13) of the JJDP Act of 2002, contact:

Elissa Rumsey  
Compliance Monitoring Coordinator  
State Relations and Assistance Division, OJJDP  
810 7th Street, N.W.  
Washington, DC 20531  
(202) 616-9279

For further information regarding state compliance with Section 223(a)(22) of the JJDP Act of

2002, contact:

Heidi Hsia  
Disproportionate Minority Contact Coordinator  
State Relations and Assistance Division, OJJDP  
810 7th Street, N.W.  
Washington, D.C. 20531  
(202) 616-3667



**U.S. Department of Justice**

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 23, 2008

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Please find enclosed a response to questions arising from the appearance of the Office of Juvenile Justice and Delinquency Prevention Administrator J. Robert Flores before the Committee on December 5, 2007, at a hearing entitled "Reauthorization of the Juvenile Justice and Delinquency Prevention Act: Protection our Children and our Communities".

We hope that this information is of assistance to the Committee. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith B. Nelson".

Keith B. Nelson  
Principal Deputy Assistant Attorney General

Cc: The Honorable Arlen Specter  
Ranking Member

**“Reauthorization of the Juvenile Justice and Delinquency Prevention Act:  
Protection our Children and our Communities”**

**December 5, 2007**

**Questions for the Hearing Record  
for  
J. Robert Flores  
Administrator  
Office of Juvenile Justice and Delinquency Prevention  
Office of Justice Programs  
United States Department of Justice**

**QUESTION FROM SENATOR LEAHY:**

- 1. Several witnesses at the hearing suggested that cuts in federal funding for juvenile justice and prevention programs and a lack of transparency at the Office of Juvenile Justice and Delinquency Prevention have made it more difficult for their states to promote the core requirements of Juvenile Justice and Delinquency Prevention Act and to remain in compliance with the Act.**
  - a. How are you addressing the concern of states that they do not have the funding and the information they need to remain in compliance with the Juvenile Justice and Delinquency Prevention Act?**

**RESPONSE:**

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) makes every effort to work with states to ensure compliance with the Juvenile Justice and Delinquency Prevention (JJDP) Act. OJJDP believes states have the funding and information they need to remain in compliance. Through appropriations from Congress, and based on a formula (tied to a state’s juvenile population), states receive an allocation for the Part B-Formula Grants Program. The Formula Grants Program has 35 program areas, five of which directly relate to maintaining compliance with the JJDP Act: compliance monitoring; deinstitutionalization of status offenders, jail removal, separation and disproportionate minority contact. Many of the other program areas can also impact maintaining compliance with the Act.

OJJDP reviews annual compliance monitoring reports submitted by states to determine future funding for the Formula Grants Program. Upon review of the reports, states are contacted when issues or concerns are identified. States are also afforded additional time to submit updated information if they are deemed out of compliance with one or more of the core requirements.

At this time, there is no legislative requirement establishing the amount of funds to be allocated to compliance monitoring. Therefore states determine how much funding

they wish to designate to that function. Historically, federal funds constitute only a portion of the total funds spent by a state to address compliance issues. The treatment of juveniles remains a state and local responsibility and there is a need for flexibility in how they will meet state, federal, and constitutional requirements. Only when a state is out of compliance is there a requirement on how remaining funds should be allocated.

**b. What steps do you believe are needed to improve the relationship between the states and the Office of Juvenile Justice and Delinquency Prevention?**

OJJDP has taken at least four specific steps to forge a stronger partnership with the states. These steps include:

- In the fall of 2007, OJJDP convened a meeting with the National Council of Justice Administrators (NCJA) to discuss states' concerns with compliance monitoring. Follow-up meetings and conversations with NCJA have occurred, and we are working towards improved communication and relationships.
- In October 2007, OJJDP held a meeting with numerous state representatives in Denver, Colorado, to solicit their specific concerns with respect to monitoring of the core requirements. As a result, 37 states prepared a paper citing six issues they wished to have addressed.
- OJJDP has started working with a Compliance Monitoring (CM) Working Group, formed at the Denver conference and comprising juvenile justice specialists who will expand on their specific concerns. OJJDP is now developing a response to be shared with the CM Working Group and other interested parties in the juvenile justice field. OJJDP plans to continue utilizing the CM Working Group to gather state input as future policies are discussed and guidance manuals and documents are developed or updated.
- OJJDP continues to offer technical assistance to states in preparation for upcoming audits of states' compliance monitoring systems. This process will allow both the state and OJJDP to identify areas of strength and areas in need of improvement, thereby giving the state and OJJDP time to address any issues and implement corrective measures, if needed, prior to the actual audit.

OJJDP is committed to working with states on all issues related to improving juvenile justice, including compliance monitoring. OJJDP takes seriously the positive working relationships developed over the years with states and we are dedicated to continuing those relationships.

**QUESTION FROM SENATOR FEINGOLD:**

1. Under 42 U.S.C. § 5617, within 180 days of the end of each fiscal year, the Administrator of OJJDP is required to submit a report to the President and Congress containing specified information. You have not submitted this report in either of the past two fiscal years.
  - a. Why have you not submitted the statutorily required reports?

**RESPONSE:**

The OJJDP Annual Report for Fiscal Year (FY) 2005 was mailed to the President and delivered to Congress on August 12, 2008. A combined Annual Report for FY 2006 and 2007 is under review by the Department.

- b. What is the date on which we can expect to receive the overdue reports from the past two fiscal years?

**RESPONSE:**

The Fiscal Year 2005 OJJDP report was delivered to Congress on August 12, 2008. The combined Annual Report for FY 2006 and 2007 is currently under review. OJJDP is combining reporting for FY 2006 and 2007 to facilitate the production and dissemination of the information to Congress.

**QUESTION FROM SENATOR KENNEDY:**

1. Evidence-based research has a major role in creating a fair and efficient juvenile justice system. Failure to evaluate the effectiveness of programs and practices can endanger juveniles and result in a waste of resources. In the past, OJJDP was committed to funding innovative juvenile justice programs, but I understand that funding for some important juvenile justice initiatives has been either eliminated or significantly reduced. I'm particularly troubled that OJJDP has not maintained funding for two very important programs: the Pathways to Desistance Study and the National Partnership for Juvenile Services.

As mentioned at the Reauthorization hearing, the Pathways to Desistance Study is the largest and most extensive longitudinal investigation of serious juvenile offenders ever conducted. It is solid, landmark social science, reviewed extensively by top researchers. The questions it asks are at the heart of ongoing policy debates about how best to respond to young people who have committed serious crimes. Yet, OJJDP cut funding for the research this year by 60%.

**The National Partnership for Juvenile Services does important work to improve conditions of confinement for the more than 50,000 youth in the juvenile justice system. The Partnership has emerged as a leader in providing state and local agencies with needed training and technical assistance on juvenile confinement and corrections. Yet, one of the partners, the National Juvenile Detention Association, has steadily lost funding during your tenure, dropping from \$950,000 in 2000 to no funding at all in 2008. It's my understanding that the funding proposal scored well in this year's review process, receiving a staff review score of 97, and was the second highest rated proposal in a group of 129 applicants.**

**Both of these projects relied heavily on OJJDP for funding. Without it they will no longer be able to continue the important work of helping troubled and at-risk youth.**

**a. Why was funding cut for the groundbreaking Pathways to Desistance Study?**

**RESPONSE:**

As funding levels for juvenile justice research have declined in recent years, we have had to make many difficult decisions, particularly with regard to ongoing, non-competitive grant programs. While we are satisfied with our investment in the Pathways to Desistance Study, we believe it is important to give other programs and organizations a fair chance to compete for our resources. Such was our approach in FY 2007.

OJJDP encouraged those projects that were not receiving continuation funding to consider submitting applications to one or more of the solicitations that were released in FY 2007. The Pathways to Desistance researchers were encouraged to submit competitive applications for funding under the FY 2007 Field Initiated Research and Evaluation solicitation.

Although OJJDP did not receive the President's budget request for research in FY 2006 or FY 2007, OJJDP used a patchwork of appropriation set-asides to make available approximately \$3.7 million for this competitive solicitation. A total of 83 applications were received. OJJDP was able to select eight applicants for awards under the solicitation. The University of Pittsburgh was selected as a recipient and received an award of \$600,000 to continue the Pathways to Desistance Study.

**b. What process led to the denial of funding for the Partnership? Can you verify whether it was the second highest rated proposal in its group? If so, what other criteria was the basis to deny funding? Who was involved in the decision?**



**RESPONSE:**

To determine which programs should receive discretionary funding, a peer review process was used to identify sound proposals that addressed a broad array of needs. In addition to the peer review scores, OJJDP was mindful of the Department's priority areas and whether funding had been provided in the past for similar programs or proposals. Funds were awarded to support local prevention and intervention efforts and national-scope projects designed to combat delinquency, reduce child victimization, and promote innovations in the administration of juvenile justice. Emphasis was placed on programs that would increase collaboration with state and local governments and community and faith-based organizations to build effective programs and services for juveniles and their families.

The funds awarded in FY 2007 will help communities address the challenge of gang crime by enhancing coordination of local, state and federal partners. The discretionary grants also target delinquent and at-risk youth by providing mentoring and helping juvenile offenders return to their communities after confinement.

**c. Can you give us some perspective on the impact of recent changes at OJJDP, such as the dramatic decrease in its funding and the redistribution of its functions through the Office of Justice Programs?**

**RESPONSE:**

The mission of the Department of Justice has become broader and more resource intensive this decade. The Department continues to be committed to assisting our partners in the juvenile justice community, but we also must prevail in a wide range of other activities from investigating and prosecuting terrorists, gun criminals and drug kingpins, to fighting corporate fraud and enforcing immigration laws. As throughout the federal government, increased demand on limited resources requires that difficult budget decisions be made.

The Department is committed to working with Congress, juvenile justice practitioners, youth-serving organizations, and state and local officials to ensure efforts are supported that prevent juvenile crime and improve the treatment of juveniles in juvenile justice systems. As Congress considers the reauthorization of the Juvenile Justice and Delinquency Prevention Act, it is important that the Department retain flexibility in awarding funding. The proposed Child Safety and Juvenile Justice Program would eliminate formulas and earmarks, and focus on key priorities including: reducing juvenile delinquency and crime; improving the juvenile justice system so that it protects public safety, holds offenders accountable, and provides treatment, rehabilitative and re-entry services tailored to the needs of juveniles and their families; protecting children from sexual exploitation and abuse; and assisting children victimized by crime and abuse, and promoting school safety.

With regard to the functions of the Office of Justice Programs, the Assistant Attorney General for the Office of Justice Programs (OJP) is delegated final decision making authority for all grants administered by the bureaus and offices of the Office of Justice Programs, which includes grants administered by the Office of Juvenile Justice and Delinquency Prevention. The Assistant Attorney General for OJP relies on the expertise and experience of the Administrator and staff of the Office of Juvenile Justice and Delinquency Prevention to make recommendations that will support the broad array of needs of the juvenile justice community.

**d. What is your view of the idea from the White House budget that federal juvenile justice funds be consolidated into a single block grant that the OJP would distribute directly to localities for delinquency prevention?**

**RESPONSE:**

The Department supports the Administration's budget proposal. The proposed Child Safety and Juvenile Justice Program would eliminate formulas and earmarks, which would increase the Department's flexibility to address the needs of the juvenile justice field. The prevention and intervention programs will seek to reduce juvenile delinquency and crime; protect children from sexual exploitation; and improve the juvenile justice system so that it protects public safety, holds offenders accountable, and provides appropriate treatment and rehabilitative services for juveniles and their families.



## GOVERNOR'S JUVENILE JUSTICE COMMISSION

JIM DOYLE, GOVERNOR

DEIRDRE GARTON, CHAIR

December 28, 2007

The Honorable Patrick J. Leahy  
Chairman, Judiciary Committee  
United States Senate  
433 Russell Senate Building  
Washington, D.C. 20510

Dear Senator Leahy:

Thank you for inviting me to testify before the Senate Judiciary Committee earlier this month. I was very pleased and honored to testify at the December 5, 2007, hearing of your committee entitled, "Reauthorization of the Juvenile Justice and Delinquency Prevention Act: Protecting Our Children and Our Communities." I truly appreciate the time you took to say hello at the hearing, as well as your opening statement made at the hearing. I am pleased to see the committee's consideration of and attention to the issues related to the reauthorization of this important statute.

Today, I am writing in response to questions you have posed to me, received December 18, 2007, as follows:

**1. There is growing concern from states that they are not getting sufficient assistance from the Office of Juvenile Justice and Delinquency Prevention to understand how to stay in compliance with, or get back into compliance with, the core requirements of the Juvenile Justice and Delinquency Prevention Act. If you agree with this premise, what, in your experience, is the biggest hurdle right now to keeping states in compliance with the core requirements of the JJDP Act?**

I agree with this premise. From the perspective of Wisconsin, there are hurdles of great significance:

1. Repeated and ongoing changes in OJJDP "guidance" regarding compliance with the JJDP core requirements cause a lack consistency and clarity;
2. New compliance guidance manuals have been issued without a basis in regulations and because they are manuals for training purposes they are not subject to any Administrative Procedures Act processes—including review by the states;
3. Compliance functions, in all states and territories, are grossly under-resourced and stretched to the breaking point while compliance monitoring requirements are simultaneously broadened;

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4. OJJDP itself has diminished resources to partner with and assist states. In addition, OJJDP is sorely lacking in a focus that would assist states to succeed in maintaining and ensuring compliance.

These issues have negatively affected our state's ability to maintain compliance with all of the core requirements of the JJDPA—despite our earnest efforts. In discussion, we have learned that at least some of the other states are struggling with some of the same issues, as reported by other SAG Chairs, FACJJ members and Juvenile Justice Specialists in collective discussions.

Since the 2002 Reauthorization of the JJDPA, OJJDP has issued new “guidelines” for compliance at least two times. Unlike regulations under the Administrative Procedures Act, OJJDP is not required to subject compliance manuals to timely public notice, public comment and standard review requirements. Therefore, State Advisory Groups and Juvenile Justice Specialists charged with implementation of the JJDPA have not been consulted. Since 2002, new rules and definitions for compliance guidance have been introduced at each, new training, with changed guidelines and definitions from one training to the next.

The problem of differing definitions and changing guidance for compliance has been compounded by the lack of regulations under this Administration. None have been issued pursuant to the 2002 Reauthorization despite new statutory mandates and purposes in the JJDPA. The last regulations related to JJDPA were issued by OJJDP in 1995-96. Therefore, there are many inconsistencies in new compliance guidance when viewed in light of historical definitions. Yet, the historical definitions are contained in governing regulations. In addition, OJJDP correspondence interpreting the guidelines differs from person to person and department to department.

Many concerns have to do with what may be considered to be an unreasonable scope or universe for compliance monitoring, given limited resources. It is the desire of our State Advisory Group and our state to strengthen compliance and to fulfill the mandates and purposes of the JJDPA as effectively as possible. Yet, like most states we cannot staff a full-time compliance monitoring function. Therefore, the most recent OJJDP guidance, which broadens definitions and increases the monitoring universe and the reporting requirements presents an unreasonable burden.

**Re-Interpretation of Sight and Sound Separation based on OJJDP definition of co-mingling juvenile and adult inmates:** In a memorandum of October 2003, then Deputy Administrator of OJJDP, William Woodruff, re-interpreted the requirements for Sight and Sound Separation by asserting that “once the juvenile who has been transferred, waived, or is otherwise under the jurisdiction of a criminal court reaches the state's age of majority, he or she must be separated from the juvenile population within six months. Separation may be accomplished architecturally, or through policies and procedures such as time phasing the use of an area to prohibit simultaneous use by juveniles and adult inmates, or by transfer to the adult system” (see attached Woodruff memo).

The basis of Mr. Woodruff's compliance memo was Section 103 Definitions (26) of the JJDPA which states that the term “adult inmate” means an individual who—(A) has reached the age of full criminal responsibility under applicable State law; and (B) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal charge offense.

Prior to the 2002 reauthorization of the Act, states were operating according to OJJDP Policy 89-1301, April 1989, Separation, that references Legal Opinion No. 77-9, December 1, 1976, and states, "...Juveniles waived or transferred to criminal court are members of neither group or category subject to the Section 223(a)(13) prohibition. Therefore, such juveniles may be detained or confined in institutions where they have regular contact with either group or category covered by the prohibition. They are a "swing group" of individuals who can be placed with whomever the legislature or courts deem appropriate." This policy worked well in that it allowed judges/states the discretion to make decisions in the best interests of the individual youth involved. Recent research on adolescent brain development appears to affirm that this type of policy is in the best interests of youth.

Many states will find this mandate from Mr. Woodruff problematic because they provide judges with the discretion to retain youth adjudicated in adult court in youth facilities even though they have attained the state's age of majority. In addition, more than 40 states more generally provide for extended juvenile jurisdiction for youth and young adults, adjudicated in criminal court, but who may be emotionally/psychologically fragile, vulnerable to attack, suffer disabilities or who are sentenced for nonviolent crimes and would be better served under juvenile jurisdiction.

Representing the concerns of others, the Juvenile Justice Specialists and State Advisory Group Chairs from Washington, Idaho and Oregon, have responded with concern, because Mr. Woodruff's new standard for compliance with Sight and Sound Separation does not recognize the intent of state laws based on research and best practices that meet the needs of youthful offenders beyond the age of majority within allowable ages of placement in juvenile facilities pursuant to state laws (up to ages 21 and 25 in these respective states and others). The letter sent on October 17, 2008, by these states to Administrator Flores is attached and contains recommended language to amend the JJDPA.

**Broadened definition of an adult lock-up.** The definition of an adult lock-up required to be monitored has been broadened to include law enforcement departments that are unlocked facilities and do not have residential features. The rationale from OJJDP for the change is that upon some of OJJDP's monitoring visits to unlocked, non-residential law enforcement facilities, staff encountered cuffing rails where youth could be or are secured. While, we would not wish to see excessive use of cuffing rails, the guidance creates such a broad mandate that it is impossible to be effective and successful. Moreover, this broader definition appears to differ with the historical definition of an adult lockup. Section 103 of the JJDPA, Definitions (22) states, "the term 'jail or lockup for adults' means a *locked* (emphasis added) facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

- A. pending the filing of a charge of violating a criminal law;
- B. awaiting trial on a criminal charge; or
- C. convicted of violating a criminal law."

**Broadened definition of the monitoring and reporting universe:** Similarly, there has been a confusing broadening of the "monitoring universe" without attendant support in the form of technical assistance to or funding to help states to be successful.

Effective with the FY 2007 Compliance Report, states are required to report "the total number of public and private secure and *non-secure* (emphasis added) detention and correctional facilities, the total number of facilities reporting data, and the number of facilities which received an on-

site inspection during the past twelve months by the following facility types: Juvenile Detention Centers, Juvenile Training Schools, Adult Jails, Adult Lockups, Collocated Facilities (Approved), and Collocated Facilities (Non-approved).” Here again, this differs with the last regulations published by OJJDP, the Consolidated Federal Regulations (CFR), published in the Federal Register, May 31, 1995, and revisions as published in the Federal Register, December 10, 1996 regarding minimum monitoring plans as set forth in CFR 31.303(f) (A): “Identification of the monitoring universe: This refers to the identification of all residential (emphasis added) facilities which might hold juveniles pursuant to public authority and thus must be classified to determine if it should be included in the monitoring effort. This includes those facilities owned or operated by public or private agencies.”

In addition, CFR 31.303(f)(5)(i)(A) as published in 1995-1996 set forth the minimum reporting requirements as, the “total number of public and private secure (emphasis added) detention and correctional facilities, the total number reporting, and the number inspected onsite....(D) Data collection and data verification: This is the actual collection and reporting of data to determine whether the facility is in compliance with the applicable requirement(s) of Section 223(a)(12), (13), and/or (14). The length of the reporting period should be 12 months of data, but in no case less than 6 months. If the data is self-reported by the facility or is collected and reported by an agency other than the State agency designated pursuant to Section 223(a)(1) of the JJDP Act, the plan must describe a statistically valid procedure used to verify the reported data.”

**Additional examples of what may be overly-broad compliance requirements include:**

- Requiring states to monitor adult prisons even if they have state laws that preclude the placement of juveniles (under age of majority) in such facilities. Yet, the reason given by OJJDP was that states needed to verify that youth are not being sent to prisons to participate in “Scared Straight” programs. See Historical Minimum Reporting Requirements in Section 3.
- Requiring that even those states with state laws that assign the responsibility for the licensing and monitoring of non-secure facilities to another agency, the statewide SPA must monitor and “spot check” those facilities as well or have a memorandum of understanding with the responsible state agency. This creates problems for states in over duplication of effort, increased expense, and HIPPA conflicts. See Historical Minimum Reporting Requirements in Section 3.
- Stepping up monitoring requirements dramatically from monitoring 10% of the defined monitoring universe annually to monitoring 10% of each type of facility in the monitoring universe annually, and 100% of most types of facilities every three years. This significant increase in monitoring workload and responsibilities coincided with a time of steadily decreasing funds and increasing travel expenses fueled by record gas price increases. Further, states were not allowed to give comment on the impact of this significant change.
- Requiring states to submit written documentation to OJJDP to approve each facility for use of the rural exception and that such documentation had to be submitted with the 2007 monitoring report. Having facilities (as opposed to states) approved for use of the rural exception is a real problem for larger rural/frontier states—the very states it was designed to assist. Under the previous interpretation, the state could approve holding youth in an adult jail or lockup if the facility could document that weather conditions prohibited transfer to an alternative placement and that adults were not being held during the time of the youth’s presence in the facility. With OJJDP having to pre-approve each facility, the

state is effectively prevented from using the rural (removal) exception as intended by the JJDP.

These changes—only partially detailed above—present a considerable “hurdle” to any state diligently attempting to maintain compliance. Very significantly, the increase in workload (based solely on new “guidance”) in a time of substantially decreasing resources to do the work is further exacerbated by the loss of a genuinely “helping” partnership with OJJDP. The combination has led to a distrustful and difficult relationship with OJJDP. In Wisconsin, the impact has also brought an extended delay in receiving funds causing potential breaks in funding of local programs, extensive and unnecessary staff time focused on repeated compliance “responses” to OJJDP, and an inability to focus on other critically important (but less enforceable) requirements like Disproportionate Minority Contact (DMC).

The lack of transparency of the process that OJJDP uses to make compliance determinations and decisions to withhold funds from some states and not others, the absence of Consolidated Regulations for the JJDP of 2002, and the unwillingness to recognize individual states’ needs and provide true assistance all play into the difficulties that Wisconsin has faced in regaining and maintaining compliance. All “hurdles” are exacerbated in a time when juvenile justice funds are at ten-year lows and are slated to be further reduced in FFY 2008.

I would, therefore, urge you and the Congress to consider the following ways to strengthen the federal partnership with the states in the upcoming Reauthorization. I would be interested in reviewing and commenting on specific language to accomplish these changes:

- Ensure that youth, adjudicated in juvenile or criminal court, who have reached the age of majority, but who the state has approved to remain in “extended juvenile jurisdiction” are not considered “adult inmates.” [103 (26)]
- Ensure adequate funding, incentives and resources for the states to comply with the core protections for children in the JJDP through authorized levels instead of ‘such sums’ and corresponding levels of appropriations. [299 (a) (1); 299 (a) (2) (A) (B) (C); 299 (c); 504]
- Require OJJDP to make reports public and timely, and increase accountability and transparency at the federal level regarding all aspects of JJDP implementation. [Throughout].
- Ensure that OJJDP adheres to the public notice, public comment, timeliness and review requirements of the Administrative Procedures Act. [Sec. 223 (a); Sec. 222 (11); Sec. 222 (28)(c); Sec. 243 (a)(A)(6); Sec. 299 (B)]
- Require that the OJJDP Administrator issue regulations and rules regarding compliance standards and measures and all other aspects of implementation of the JJDP within 6 months of the passage of the JJDP. [299 (A) (d)]
- Prioritize the Office of Juvenile Justice & Delinquency Prevention (OJJDP) office’s research and technical assistance functions to supporting states’ efforts to comply with the core protections in the JJDP. [251; 252]

**2. In your testimony, you described a program to address issues of disproportionate representation of minority children in the juvenile justice system that was successfully implemented in Rock County, Wisconsin, which had some of the worst numbers in the country on this issue in 2000. You noted that since this program began, Rock County has reduced the number of youth of color held in secure detention by 44% and has reduced the use of detention for all youth by a third. Please explain what Wisconsin did to institute such a successful program and how the Juvenile Justice and Delinquency Prevention Act assisted you in doing this.**

The Wisconsin State Advisory Group has been addressing DMC for more than a decade. Using Title II Formula Funds, we commissioned a study to help us understand which communities had troubling raw numbers. As a result, Wisconsin could focus the allocation of the federal dollars to the communities that most needed to address the issue of disproportionality. That effort along with the focus on evidence-based services, which we highlighted in *What Works Wisconsin*, gave us the road map for the data collection that we required of each of our counties and the programming that we supported to address DMC.<sup>1</sup> Our goal in encouraging evidence-based practices was not to impose from the top down, but for each community to bring together its stakeholders to look at their own data and then choose or fashion their own programs using the most cost effective models available.

The success of the Rock County DMC programming followed from being effective in five main areas:

- (1) using data to drive decisions;
- (2) incorporating research-based principles and evidence-based programs into our solutions;
- (3) making sure new programs were coordinated as part of a broader service continuum;
- (4) sustaining mechanisms for continuous monitoring and improvement; and
- (5) effective collaboration among system leaders and stakeholders.

The DMC Advisory Board has remained focused on points in the system that they could control. They did not allow themselves to become sidetracked by a discussion of larger socioeconomic and societal issues (i.e., racism, poverty). Also, the Advisory Board identified and focused on the decision point they felt they were in the strongest position to address: placement in secure detention. Once they addressed that decision point, they could build on their success to address others.

#### **(1) Use of data**

In 2002, they conducted a data analysis to better understand why more African American youth were in the detention center than Caucasian youth. African Americans represent the predominant minority population in Rock County. Rock County gathered data to determine:

- (1) Who was the primary detaining authority in detention admissions?
- (2) What offense types resulting in secure detainment had the highest disproportionality?
- (3) What time of day were incidents taking place that were leading to detainment?

<sup>1</sup> Small, Stephen, Reynolds, Arthur, O'Connor, Cailin, Cooney, Siobhan, *What Works Wisconsin*, <http://oja.state.wi.us/docview.asp?docid=6444&locid=97>



## (4) Where were incidents occurring that led to detainment?

The data showed:

- A significant number of African American youth who were being admitted to secure detention were already on probation and were being ordered to detention by their probation officers as a result of probation violations that, from a public safety standpoint, were relatively minor offenses.
- The offense types resulting in a detainment that had the highest degree of disproportionality of African American youth were: disorderly conduct, misbehavior at school, and minor drug offenses.
- The majority of incidents leading to detainment occurred during school hours, with a significant percent occurring at a school location.

From the analysis of the data, the DMC Advisory Board concluded that developing and utilizing non-detention sanction alternatives for appropriate probation violation cases could have a positive impact on the disproportionate number of African American youth securely detained. They also concluded that schools and law enforcement needed to coordinate more closely.

Thus, the data analysis drove the decision to create program modules for the sanctioned youth to complete in lieu of being sanctioned to the Detention Facility. The educational modules were directed to students who had engaged in disorderly conduct, school misbehavior and minor drug offenses to address those behaviors. A new youth worker was responsible for delivering those modules, coordinating with probation officers to make sure the modules were utilized in all appropriate cases and coordinating with schools and law enforcement.

## (2) Research-based Principles and Evidence-based Programs

Using alternatives to secure detention is in itself a research based practice. Research indicates that placement in secure detention does not deter most juveniles from engaging in future criminal acts and carries a profound negative impact on young people's mental and physical well being, education and employment.

The educational diversion modules incorporated evidence-based programming, such as Prime for Life. As our DMC programming expanded, they added a mentoring component based on Michigan's Adolescent Diversion Project (ADP) and a first time offender program based on California's Repeat Offender Prevention Program (ROPP).

Because evidence indicates the most successful services are delivered either at home or in a home like environment, the location of service delivery was chosen based on its inviting and homelike qualities and accessibility to youth and their families (The Merrill Community Center, which is located in the heart of a challenged neighborhood in which many African American youth on probation reside).

Because evidence indicates that the most successful programs are individually tailored in type and intensity to each youth / family based on a risk and needs assessment, a multi-disciplinary assessment component was added to the programming.

**(3) Part of a Broad Continuum**

As the program progressed, the DMC Advisory Board and Rock County worked to provide links to community organizations for the youth wanting and needing continued structure after they completed program modules. They also referred youth to the mental health system to provide services to youth and families in the programs who needed and would accept in home family counseling services.

**(4) Continuous Monitoring & Improvement Mechanisms**

Rock County developed a commitment to data analysis and the use of data as a management tool to monitor the effectiveness of the program and identify areas for improvement. To do this, Rock County continues to collect and analyze data relating to the monthly percentage of minority admissions, Rock County Human Services Department (HSD) RockStat process. Based on the City of Baltimore's highly successful CitiStat program, HSD RockStat involves: monthly meetings with division managers and supervisors to review program and fiscal performance utilizing a series of outcome based data reports; meetings utilize multimedia aids and are administered in a highly structured format where follow-up assignments and corrective actions are meticulously tracked.

**(5) Effective Collaboration Among System Leaders and Stakeholders**

Because there are so many actors involved with the juvenile justice system (i.e., courts, probation, schools, police) and so many stakeholders that have unique insights into how improvements can be made (i.e., parents of youth who have had contact with the system, youth who have been through the system, nonprofit agencies who serve youth in the system and citizens in general), Rock County was committed to using its DMC Advisory Board fully. It gave and gives input to the analysis and program implementation.

JJDP Act emphasizes and has requirements regarding some of the areas discussed above. Most of these concepts, while not completely foreign to Rock County, were not institutionalized. Programming made possible through funds under the JJDP Act helped these concepts take root. They are now part of the philosophy and culture of the Rock County Human Services Department.

I would urge you to consider strengthening amendments to the DMC core requirement that would provide for a systemic approach based on data, more guidance regarding implementation of best practices and greater evaluation of innovative models.

- 3. You noted in your written testimony that cuts in federal funding forced your program to use money more efficiently, but you also emphasized the importance of having sufficient funding.**
  - a. Is the amount of funding that Wisconsin programs are receiving right now from JJDPA enough?**

The amount of funding that Wisconsin is receiving is not enough to accomplish what we hope to accomplish. As I noted in my oral testimony DMC is the most pressing issue that we face. Wisconsin has been working diligently on the issue with some success for more than a decade, not only because it is a core requirement of the JJDPA, but because it is the right thing to do.

Because Wisconsin has been found out of compliance with DSO by this Administration, Wisconsin will be required to use 50% of its modest Title II Formula Funds to address DSO until we are found in compliance. The programs that will suffer will be the award-winning programs that we have nurtured around DMC that I highlighted in my oral testimony (see also my answer to question #2 above). The other initiative that will suffer will be our effort to disseminate evidence-based practices down to the local level. Many Wisconsin counties and service providers are aware of the research around evidence-based practices and their cost effectiveness. They are anxious to implement them. In a survey conducted this fall, we found that our grantees, both public and private, are clamoring for more technical assistance to help them move to using evidence-based practices. We will not be able to effectively continue this initiative or our work with DMC using a scant 50% of Title II funds that will remain.

**b. How can we best estimate how much funding needs to be allocated for states to be effective and efficient?**

One reason for the dramatic drop in the juvenile crime rate over the last decade was the dramatic infusion of federal funds into the juvenile justice systems of various states during the late 1990s through the JJDP funds and the Juvenile Accountability Block Grant (JABG) program. That infusion helped states to implement more community based efforts to address effectively issues of accountability for juvenile offenders. As illustrated by the Milwaukee First-time Firearm Offenders program, "Running Rebels," that I highlighted in my oral testimony on December 5, such programs can have an impact on the degree and seriousness of juvenile crime. Along with the Mendota Juvenile Treatment Center Program that deals with the most serious juvenile offenders in Wisconsin, we know that we can implement models that can modify juvenile behavior in ways that were not possible before. Our programming is slowly beginning to reflect the science that has been taking place over the last ten years.<sup>2</sup>

We are at a unique point in the history of juvenile programming. The juvenile crime rate is low. We know what works with offending youth. We know that a significant infusion of federal funds to help states build infrastructure to do the right kind of programming has an impact.

It is critical that Congress provide leadership to restore and strengthen federal juvenile justice funding dedicated to supporting the JJDP goals. In his testimony on December 5, 2007, OJJDP Administrator, J. Robert Flores suggested that OJJDP funds to states are merely meant to "serve as a magnet" for attracting state and private funding to fulfill the mandates and purposes of the JJDP. This underscores apparent lack of concern and, at times, reinforcement of the dramatic diminution of federal juvenile justice appropriations on the part of the current OJJDP Administrator.

Every year, the juvenile justice community, both in the states and in the nation's capitol, has to put forward a major effort to raise awareness about the effectiveness of state and local programs funded by Title II and Title V of the JJDP, as well as other very useful streams of funding, such as the Juvenile Accountability Block Grant (JABG). Pleas for adequate levels of funding are made more difficult by various misdirected efforts to assess the effectiveness of the programs using irrelevant measures. For instance, in 2004, a controversial report issued by the Office of Management and Budget (OMB) (see ExpectMore.gov) was used by the Administration to

<sup>2</sup> MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice.  
[http://www.adjj.org/content/resource\\_page.php?filter=download](http://www.adjj.org/content/resource_page.php?filter=download)

justify the elimination of the JABG Program. The OMB report found that JABG was "ineffective" even though OMB conducted no field visits or meetings with state or local officials. OMB also ignored the findings of a major study commissioned by the National Institute of Justice that had favorably reviewed the program. Since that time, OJJDP has taken steps to collect data that have begun to clearly demonstrate the program's effectiveness. Nevertheless, JABG funds have been cut by more than 75% since 2002. Overall, juvenile justice appropriations to the states have fallen by more than 57% since 2002 and those that remain are substantially earmarked.

Now is the time to make an investment in prevention. With an infusion of Title V funds in the amounts similar to the amounts invested in accountability in the late 1990s, states could build the prevention infrastructure to stave off any increase in juvenile delinquency and crime. All the studies and meta-analyses highlight that prevention is the most economically reasonable response to juvenile delinquency.<sup>3</sup> States and communities want to do prevention work, but they need the seed money and investment in infrastructure to be able to do so. Evidence-based programs are expensive to implement and creating infrastructure within counties to fully monitor the effectiveness of programs is also an expensive undertaking. The return on that investment however as illustrated by the Rock County experience of using data analysis to drive targeting of program can yield significant results. I would submit that it is the role of the Federal Government to provide the seed and infrastructure development money for delinquency prevention.

#### **4. What steps would you recommend to improve the relationship between the states and the Office of Juvenile Justice and Delinquency Prevention?**

Thank you so much for this very important question. The federal-state partnership on juvenile justice is neither an afterthought nor an accident of history or administrative practice. Rather, the partnership is an elaborate one, and central to achieving the goals of the JJDP. OJJDP is, by statute, authorized and/or mandated to carry out a number of functions intended to reduce delinquency and improve the administration of juvenile justice at the state level, including but not limited to (1) making grants to States to improve their juvenile justice systems, (2) monitoring a state's compliance with the JJDP, (3) prescribing regulations to implement the JJDP and (4) providing technical and financial assistance to the states directly and via an eligible organization composed of member representatives of the State Advisory Groups.

OJJDP's relationship with the states, however, is not effective when it is simply top-down. Section 223(f)(2)(C) of the Juvenile Justice and Delinquency Prevention (JJDP) mandates a mechanism for states to review federal juvenile justice and delinquency prevention policies, including those proposed and implemented by OJJDP. Sec. 223(f)(2)(D) provides that States shall "advise the [OJJDP] Administrator with respect to particular functions or aspects of the work of the Office."

Finally, Sec. 299A(d) directs the Administrator to seek consultation from the states when establishing rules, regulations and procedures that affect OJJDP and implicate compliance with the requirements of the JJDP. **These various JJDP provisions clearly demonstrate that Congress intended for the relationship between OJJDP and the states to be a mutually beneficial partnership whereby the federal government and the states are each putting demands on the other, and influencing and improving the functions of the other.**

<sup>3</sup> Small, Stephen, Reynolds, Arthur, O'Connor, Cailin, Cooney, Siobhan, *What Works Wisconsin*, <http://oja.state.wi.us/docview.asp?docid=6444&locid=97>

Recent actions taken by OJJDP, however, are damaging the federal-state partnership. For example, as mentioned in my answer to question #1 above, in 2003 OJJDP issued a memorandum to the states "clarifying its guidance on the separation issue" and mandating that all states are required to transfer youth convicted as adults to an adult correctional facility despite a decades' long practice among many states of treating certain youthful offenders within juvenile facilities. As a result, more than 40 states, the overwhelming majority of whom are otherwise in full compliance with the JJDP, now find themselves risking sanctions if they fail to evict youthful offenders from their juvenile facilities, despite the risk these youth will face if placed in an adult correctional facility. This strict reading of the "separation" core requirement was developed internally by OJJDP without benefit of a notice-and-comment process and without seeking consultation from the states. As of the writing of this letter, the "clarification" of the rule has not been published in the Federal Register.

As another example, Sec. 223(f)(1) of the JJDP mandates that OJJDP provide technical and financial assistance to "an eligible organization of member representatives of the [SAGs]" to perform five enumerated functions. Two of these functions can be characterized as technical assistance, and three of these functions can be characterized as advisory. Between 1984 and 2005, the Coalition for Juvenile Justice (CJJ), a national, non-partisan 501(c)(3) tax-exempt nonprofit founded by SAG members to be the representative organization for the SAGs, was universally recognized as this one "eligible organization."

In 2003, however, the OJJDP Administrator made the unilateral decision to assign the advisory functions to a newly created advisory body (the FACJJ or Federal Advisory Committee on Juvenile Justice) established by and managed by OJJDP with a for-profit logistics contractor. Moreover, states are required to designate members to serve on the FACJJ in order to receive their Title II Formula Funds. This action by OJJDP is in clear violation of Section 223(f)(1). As with the aforementioned "clarification," OJJDP did not seek input from the states before making its decision.

In FY 2007, all remaining OJJDP financial and technical assistance was stripped from the national association of the State Advisory Groups, the Coalition for Juvenile Justice. Despite repeated requests since 2003 from State Advisory Group Chairs who serve as the officers of the Coalition to explain this breach of the JJDP, the OJJDP Administrator, J. Robert Flores, has refused to respond in writing to provide any rationale for these changes.

Granted, the significant decrease in the amount of juvenile justice-related funding over the past six years makes it difficult for OJJDP to fulfill its obligations under the JJDP and provide states with the guidance and assistance they need to fulfill their obligations as well. OJJDP, however, is not helping its cause by mishandling matters that are within its direct control. Rather, such actions only work to weaken its position and isolate it from the very people it needs to maintain and fulfill its purpose, duties and goals under the JJDP.

In its reauthorization of the JJDP, Congress can ensure responses to juvenile crime and delinquency that promote and preserve the federal-state partnership. The Coalition for Juvenile Justice and more than 250 other national, state-based and local organizations recommend that the Reauthorization seek to fulfill Congress' intent and restore the federal-state partnership.

Specifically, by consensus, this group of organizations recommends the following changes in the statute, with which I concur in principle. I would be interested in reviewing and commenting on specific language to accomplish these changes:

- Amend Secs. 223(a), 222(11), 222(28)(e), 243(a)(A)(6) and 299B to ensure that OJJDP, when promulgating rules and regulations that impact that states, adheres to the public notice and review requirements of the Administrative Procedures Act.
- Amend Sec. 299A(d) to strengthen the requirement for the OJJDP Administrator to issue regulations on the implementation of the JJDPA within 6 months of the passage of the JJDPA to ensure clear guidance to and promote consistent enforcement of guidelines across the states.
- Amend Sec. 223(f) to ensure federal support for and partnership with a strong national body of the State Advisory Groups.

Many thanks for the opportunity to respond to your questions. Please feel free to call upon me if any additional information can be beneficial to your efforts to improve the federal response in support of state and local efforts and improvements in juvenile justice. I may be reached at 608-266-3323. You may also call upon Tara Andrews, Deputy Executive Director for Policy, at the Coalition for Juvenile Justice, a national leadership association of State Advisory Groups based in Washington, DC: 202-467-0864, ext. 109.

Sincerely,



Deirdre Wilson Garton  
Chair, The Wisconsin Governor's Juvenile Justice Commission



U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Washington, D.C. 20531

OCT 30 2003

## MEMORANDUM

**FROM:** William Woodruff  
Deputy Administrator

**TO:** State Agency Directors  
State Juvenile Justice Specialists  
State Advisory Group Chairs

**SUBJECT:** Compliance with Section 223(a)(12) of the Juvenile Justice and Delinquency Prevention Act of 2002

In January 2001, with the publication of the *Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended (Guidance Manual)*, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) provided initial clarification on its policy regarding the separation of juvenile delinquent offenders from young adult offenders in secure juvenile detention and correctional facilities. Following review and analysis, OJJDP clarified its guidance on this issue with the publication of this guidance document. The policy presented in the *Guidance Manual* stipulated that:

\* "A juvenile who has been transferred or waived or is otherwise under the jurisdiction of a criminal court may be detained or confined in a juvenile correctional facility or a juvenile detention facility with other juveniles who are under the jurisdiction of the juvenile court. Once the transferred, waived, or certified youth becomes an adult, however, he or she must be transferred to an adult facility within six months."

Since this guidance was published, it has come to OJJDP's attention that several States currently do not adhere to Section 223(a)(12) of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002. Based upon this information, OJJDP wishes to further clarify its guidance regarding the separation issue.

Section 223(a)(12) of the JJDP Act of 2002, states that juveniles alleged to be or found to be delinquents, status offenders, or nonoffenders will not be detained or confined in any institution

in which they have contact with adult inmates. Adult inmates, according to the JJDP Act of 2002, are those individuals who have reached the age of full criminal responsibility under applicable State law, have been arrested, are in custody awaiting trial on a criminal charge, or are convicted of a criminal offense. The State must monitor all jails, lockups, juvenile detention facilities, and juvenile training schools for separation between juvenile and adult offenders.

Presently, 47 States waive jurisdiction over serious cases involving juveniles so they can be transferred to criminal court. Furthermore, several States permit juveniles tried as adults to be sanctioned in the juvenile rather than the criminal justice system. Judges faced with the task of sanctioning serious juvenile offenders can choose between juvenile and adult correctional sanctions - or may sometimes impose both. To clarify OJJDP's guidance on this issue, a juvenile who has been transferred, waived, or is otherwise under the jurisdiction of a criminal court may be detained or confined in a juvenile correctional facility or juvenile detention center with other juveniles who are under the jurisdiction of the juvenile court. This is not a violation of the separation requirement because the youth is not a juvenile "alleged to be or found to be delinquent" (he or she has been charged with a criminal, not a delinquent act) and the youth is not an "adult inmate." However, **once the juvenile who has been transferred, waived, or is otherwise under the jurisdiction of a criminal court reaches the state's age of majority, he or she must be separated from the juvenile population within 6 months.** Separation may be accomplished architecturally, or through policies and procedures such as time phasing the use of an area to prohibit simultaneous use by juveniles and adult inmates, or by transfer to the adult system.

The implementation of this policy clarification will require immediate action within those States that allow for commingling of juveniles and adult inmates in their juvenile correctional facilities and training schools. OJJDP looks forward to working with these States to ensure that their secure custody policies and practices comply with the requirements of the JJDP Act of 2002.



GOVERNOR'S  
**JUVENILE JUSTICE**  
 ADVISORY COMMITTEE

October 18, 2007

J. Robert Flores, Administrator  
 Office of Juvenile Justice and Delinquency Prevention  
 U.S. Department of Justice  
 810 7<sup>th</sup> Street NW  
 Washington, DC 20531

**SUBJECT: Recommendations and comments regarding juveniles who have been transferred to adult court jurisdiction.**

Dear Mr. Flores:

I am writing on behalf of the State Advisory Groups in Washington, Idaho, and Oregon to express our sincere concerns, comments and recommendations with regard to the JJDP Act separation requirement and the housing of juveniles who have been transferred or waived to adult court jurisdiction (including recommending that language be incorporated in the regulations and amended in the Reauthorized Act).

With the addition of the definition for "adult inmate" per the JJDP Act of 2002, and the subsequent interpretation by OJJDP which was published in the OJJDP *Compliance Guidance Manual for Monitoring Facilities* (and further clarified in the October 30, 2003, memorandum to the states from William Woodruff), states were informed their laws and/or practice must conform to these new policy guidelines regarding the separation of juvenile delinquent offenders from young adult offenders who are confined in secure juvenile detention and correctional facilities. Historically, federal policies (#89-1301) defined juveniles who were waived or transferred to criminal court as "a swing group of individuals who can be placed with whomever the legislature or courts deem appropriate."

In the October 30, 2003, memorandum it was stated: "Furthermore, several states permit juveniles tried as adults to be sanctioned in the juvenile rather than the criminal justice system." The number of states potentially impacted by this policy guideline and revision to the JJDP Act is significantly greater than referenced in the memo—in a recent (April 2007) communication from the OJJDP Compliance Monitoring Specialist to the states, there were 40 states listed "*who have laws that allowed for kids convicted as adults to be sentenced back to a juvenile facility or who have facilities that reported they did hold such kids (kids with adult convictions).*"

Our states have made every effort to diligently follow the OJJDP *Guidance Manual for Monitoring Facilities* under the JJDP Act, which was recently revised, and interpretation and guidance

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regarding the 2002 revisions, even though the regulations per the reauthorized JJDP Act of 2002 have not yet been published or posted for public comment. We are asking for consideration of the following recommendation which we believe is supported by recent research findings on adolescent brain development and effective approaches to criminal behavior by adolescents. The proposed change would give youthful offenders the greatest opportunity for rehabilitation while maintaining public safety, and not jeopardizing the safety of other juveniles in these facilities.

It is our proposal that the following language be incorporated through OJJDP regulations and recommended as an amendment to the JJDP Act. The JJDP Act of 2002 (section 42 USC 5603(26)) defines an adult inmate as an individual who "has reached the age of full criminal responsibility under applicable state law; and ... is convicted of a criminal charge offense." The suggested language, below, would recognize the individual needs of youthful offenders and the strides made in assessment, programming (evidence-based practices), and other re-entry and rehabilitative services available in the juvenile system that have been recognized and, hence, taken into account within current state laws.

The proposed recommendation would re-define an adult inmate through the following language:

*"For purposes of 42 USC 5633(12)(A), the term "adult inmate" does not include any individual who:*

*(1) is younger than the maximum age for juvenile jurisdiction and placement under state law; and*

*(2) has been determined by the state to be appropriate for continued placement in a facility/program for juveniles."*

Under this interpretation, juveniles who have been transferred to adult criminal court would not qualify as adult inmates when they have reached six months beyond the state's age of majority under federal law, and thus their presence would not violate the separation requirement of the JJDP Act. Juveniles meeting the terms of this definition would not be transferred to an adult jail while awaiting trial nor would they be transferred to an adult correctional facility to serve their sentence unless such transfer was deemed necessary for safety and security reasons. The federal compliance Guidance Manual states: *"Note that waiver or transfer and the filing of criminal felony charges does not transform a juvenile into an adult; ..."*

The above exception would continue the intent of federal laws and Formula Grant funding to the states in recognizing systems improvement, research and evaluation, evidence-based practices and programming, and in addressing disproportionate minority contact. It would require that the states appropriately assess each individual youthful offender for continued placement in a juvenile facility, which would be consistent with the original intent of the separation requirement – to protect the other younger residents at the juvenile facility – while recognizing the intent of state laws based on research and best practice in meeting the needs of youthful offenders and providing rehabilitation,

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within the allowable ages of placement for these youthful offenders in juvenile facilities per state laws (up to ages 21 and 25 in our respective states).

The National Council on Crime and Delinquency summarized in a recent (June 06) Fact Sheet: youth convicted in the adult system receive little or no rehabilitative programming; they are at greater risk of victimization and death in adult jails and prisons than in juvenile facilities; they are more likely to recidivate than similar offenders remaining in the juvenile system; and the practice of sentencing youth as adults most seriously impacts African-American, Latino and Native American youth.<sup>1</sup> In Washington State, data on race/ethnicity for juveniles sentenced to the adult system who were transferred to juvenile institutions per the Youthful Offender Program, showed a range of 62 to 76 percent minority youth from one-day snapshots of the population. In Oregon, 329 (29 percent) of youth in Oregon Youth Authority close custody facilities on July 1 2007 were under the legal jurisdiction of the adult Department of Corrections. Of those, 144 (44 percent) were minority youth between the ages of 15 and 24. In Idaho, 16 (4 percent) of youth in Idaho Department of Juvenile Corrections' custody on August 15, 2007 were blended sentences or District Court commitments; 6 of the 16 were over 18.5 years of age. The 2005 report from the Coalition for Juvenile Justice, *Childhood on Trial*, reports "three out of four youth admitted to state prisons are racial/ethnic minority youth."

Additionally, other considerations for these youthful offenders include needed age-appropriate services (including special education) that are available in the juvenile system; further, from the CJJ *Childhood on Trial* report, one state study found "more than half of the youth sent into the adult system had no prior offenses and, therefore, had never received any juvenile court services. Many had serious abuse and neglect in their backgrounds." Also, it was noted/summarized by the Director of the Juvenile Law Center in the report: "Strong rehabilitative programs will bear more fruit during adolescence than later in life. Thus, the way corrections supervises teens—the way they counsel, educate, and teach skills—will have a long term effect on their behavior."<sup>2</sup>

Further, one must take into account that federal law does not require juveniles who were sentenced on juvenile charges be transferred from a juvenile facility when they have reached the state's age of majority; i.e., it could not be assumed that a remanded 18-1/2 year-old is more dangerous to the other residents than a 20 year old also in the juvenile training school/institution, but who was sentenced on juvenile charges (particularly if the remanded juvenile has been assessed and has been determined to be appropriate for continued placement). Additionally, in states that do not have transfer or waiver laws, youth convicted of more serious offenses would remain in the juvenile system, and be housed with other juveniles.

<sup>1</sup> "Youth Under Age 18 in the Adult Criminal Justice System," Views from the National Council on Crime and Delinquency, June 2006.

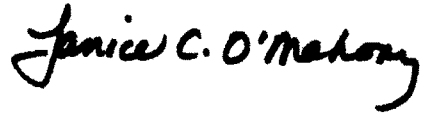
<sup>2</sup> "Childhood on Trial – The Failure of Trying & Sentencing Youth in Adult Criminal Court," Coalition for Juvenile Justice, 2005, quote from Marsha Levick, Legal Director, Juvenile Law Center.

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In conclusion, a recent research publication from the John D. and Catherine T. MacArthur Foundation summarizes: "Far from being "scared straight," some studies have found that youths transferred to the criminal system are *more* likely to commit new offenses, especially if they've spent time in jail or prison. They also re-offend more quickly and more often." The report also notes the need for policies "to address issues such as diminished responsibility and reduced levels of punishment, as well as the development of age-appropriate institutions, programs, and protections."

We respectfully submit these recommendations to you in the best interests of youth in our states, and are hopeful of their adoption.

Sincerely,



Janice C. O'Mahony, Chairman  
Washington State Governor's Juvenile Justice Advisory Committee

cc: Mary E. Williams, Washington State Juvenile Justice Specialist  
Alan Miller, Idaho Juvenile Justice Specialist  
Lana Holman, Oregon Juvenile Justice Specialist  
Billy Wasson, Oregon SAG Chair  
John F. Varin, Idaho SAG Chair



## GOVERNOR'S JUVENILE JUSTICE COMMISSION

JIM DOYLE, GOVERNOR

DEIRDRE GARTON, CHAIR

December 28, 2007

The Honorable Russell D. Feingold  
United States Senate  
Judiciary Committee  
506 Hart Senate Building  
Washington, D.C. 20510

Dear Senator Feingold:

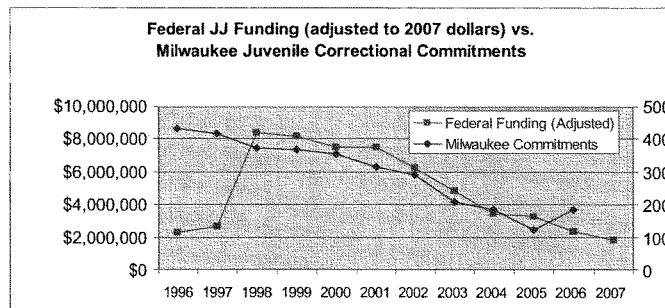
I was very pleased and honored to testify at the December 5, 2007, hearing of the Judiciary Committee entitled, "Reauthorization of the Juvenile Justice and Delinquency Prevention Act: Protecting Our Children and Our Communities." I truly appreciate the time you took with me before the hearing, as well as your opening statement made at the hearing. I am pleased to see the committee's consideration of and attention to the issues related to the reauthorization of this important statute.

Today, I am writing in response to questions you have posed to me, received December 18, 2007, as follows:

1. **As you know, federal funding for the JJDP programs has declined precipitously in recent years.**
  - a. **What are some of the concrete effects you've noticed from this decline in federal funding?**
  - b. **What sort of effects might we expect to see in the future if this decline in funding is not reversed?**
  - c. **Conversely, what would it mean for Wisconsin to receive a significant infusion of Title V funds in support of the JJDP purposes and programs?**

The chart on the next page provides graphic evidence of what we saw happen as a consequence of the declining federal juvenile justice dollars coming into our state and a related effect on juvenile correctional commitments from Milwaukee County. The connection with correctional commitments is critical for many reasons, but most important are the high social and fiscal costs of serious juvenile crime and subsequent commitments to corrections. In Wisconsin, incarceration costs alone are now at \$259 per day per offender representing an annual cost of nearly \$100,000 for each youth incarcerated.

WISCONSIN OFFICE OF JUSTICE ASSISTANCE  
1 S. PINCKNEY STREET SUITE 600, MADISON, WI 53702 • (608) 266-3323 • FAX: (608) 266-6676



An entire prevention or intervention program in a mid-sized Wisconsin community could be funded for what it costs to incarcerate a single offender. It follows that reducing correctional commitments—even marginally—especially when those funds are instead invested in community prevention or intervention programs can have a huge impact.

After seeing a turnaround in Milwaukee between 1998 and 2005, where programs supported with JJDP dollars diverted youth from expensive correctional placements by treating them using innovative community treatment led to the lowest number of correctional placements in 10 years, we began to see a change in 2005. What caused this change? Certainly, the juvenile crime rate has increased in the last two years in Wisconsin. We also know that programs that had been supported with JABG, Title II and Title V funds have decreased every year from 1999 to 2006 and as a result there are fewer treatment slots for those youth. While there may not be a causal relationship, the correlation is unmistakable.

When there are fewer or no intensive treatment slots available to divert serious offenders from corrections, judges have no choice but to place those youth in corrections, and every youth placed consequently can reduce funds available for diversion programs by more than \$100,000. It doesn't take very many correctional placements to wipe out the funding for an entire diversion program.<sup>1</sup>

With the significant decreases in JJDP funds that took place between 1999 and today—but, especially between 2000 and 2004, program slots were reduced, new and innovative programs designed to meet the changing needs of youth and families were not started, and correctional numbers went up, furthering the negative economic cycle. This is what we believe we see happening in Milwaukee.

It appears that “tipping point” came for Milwaukee in 2005. Without sustaining diversion treatment slots, and having funding available to treat offenders in the community with what we now know works, we fear that this pendulum could swing back to the mid-1990s when nearly all

<sup>1</sup> Correction to my oral testimony provided on December 5, 2007: The recidivism rate for Division of Juvenile Corrections was not 33% in the first year post-release or 37% in the second year post-release. The correct number for 2000 – 2004 in the second year post-release was never more than 19%. In 2003 it was less than 14%.

funds were spent to warehouse hundreds of Milwaukee youth in juvenile corrections and crime in Milwaukee was at an all time high.

Now is the time to make an investment in prevention. With an infusion of Title V funds, in the amounts similar to the amounts invested in accountability in the late 1990s, states could build the prevention and early intervention programs and infrastructure needed to stem an increase in juvenile delinquency and crime that may be looming on the horizon.

All the studies and meta-analyses highlight that prevention is the most **economically reasonable** response to juvenile delinquency.<sup>2</sup> States want to do prevention work, but need federal appropriations that provide both the seed money and infrastructure investments. Evidence-based programs shown to reduce future offending and crime risks may be expensive to implement and creating infrastructure within counties to fully monitor the effectiveness of such programs is also an expensive undertaking. The returns on such investments, however, can yield significant results, as illustrated by the Rock County experience where data analysis was used to drive targeting of programs,

Without federal support for state and local juvenile delinquency prevention, I fear that my state will continue to see decreased programming and services, increased delinquency, increased incarceration, more dollars spent on incarcerating youth, greater recidivating, and too many lost lives—literally and figuratively.

**2. Some commentators take the position that it makes sense to treat juvenile offenders differently from adults if the crime that's been committed isn't that serious, but that juvenile offenders who commit serious offenses should be treated as adults. What, if anything, is wrong with that logic?**

Prior to the 1980s, states rarely prosecuted youth as adults. An increase in crime in the late 1980s and early 1990s, however, moved policymakers and the public to question the ability of the juvenile justice system to effectively treat youthful offenders and protect public safety. Thus, between 1994 and 2000, 43 states changed their laws and made it easier and in many cases mandatory for certain youth as young as 14 years of age to be prosecuted as adults. Currently, all U.S. states, territories and the District of Columbia have laws that allow for the transfer/waiver of juveniles under the age of 18 into adult criminal court.

The practice of trying youth as adults is premised on the theory that youth who commit serious crimes (1) cannot be treated effectively within the juvenile justice system, (2) are as culpable for their actions as adults and should be held accountable in the same manner as adults and (3) will be more deterred from committing additional crimes if tried and incarcerated within the adult criminal system. Within the last 15 years, however, science has challenged and in many cases disproved this theory. State and local jurisdictions across the nation are designing programs that effectively treat violent and chronic juvenile offenders within the juvenile justice system without compromising public safety. Good examples of this are the Mendota and Running Rebels programs described below in my answer to your fourth question.

In addition, advances in adolescent brain science have revealed what auto insurance companies have known for decades: youth lack the developmental capacity to form the same judgments as

<sup>2</sup> Small, Stephen, Reynolds, Arthur, O'Connor, Cailin, Cooney, Siobhan, *What Works Wisconsin*, <http://oja.state.wi.us/docview.asp?docid=6444&locid=97>

adults and therefore cannot be held to the same standards as adults. The Supreme Court acknowledged the findings of this research in *Roper v. Simmons*, the 2004 ruling that abolished the juvenile death penalty.

Finally, research has revealed that, at most, the practice of trying youth as adults has no effect on public safety, and at worst, actually decreases public safety. A recently released study sponsored by the U.S. Centers for Disease Control and Prevention found that youth tried and incarcerated as adults are more likely to commit additional crimes and more violent crimes following their release than youth adjudicated and treated within the juvenile justice system.<sup>3</sup>

In its reauthorization of the JJDP, Congress can ensure responses to juvenile crime and delinquency that are more appropriate to a young person's age and stage of development and that lead to improved public safety.

Some amendments to the JJDP for your consideration include:

- Add a new (f) to Sec. 222 to provide incentive funding and technical assistance resources for model demonstration programs regarding effective and timely removal of youth from adult incarceration settings.
  - Amend Sec. 204(b)(7) to required OJJDP to-
    - i. Work with states and counties to collect ongoing data on youth in the adult criminal justice system, including age, race, ethnicity, gender, offense, pre-trial detention, transfer mechanism, sentencing outcome, placement pre- and post-trial in jails, prisons or juvenile facilities, and
    - ii. Conduct research on the outcomes trying juveniles as adults in criminal courts, i.e., does it increase or decrease public safety and violence; how did it impact facility conditions; does it effect the state of developmentally appropriate services and programs for youth in adult jails and prisons?
- 3. Suppose Congress adopted the Administration's plan to essentially get rid of the JJDP structure and collapse the existing juvenile justice programs into one block grant program. Assuming that we maintained federal funding for that block grant program, rather than cutting funding as the Administration also proposed, would there be any problem with that approach?**

For fiscal year 2008, President Bush and the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) proposed a dramatic change of direction in JJDP funding and support. Fortunately, the Administration's plan was roundly rejected by a bipartisan group of members of Congress. Yet, if it were to be put into effect—it would indeed render the JJDP wholly ineffective. There are four principal problems:

1. **No state needs assessment and state planning would be supported:** Granting a federal administrator at OJP (rather than OJJDP) complete discretion to define purposes for use of federal appropriations and authority to grant such funds directly to local providers and law enforcement would bypass and undermine the state

<sup>3</sup> See <http://www.cdc.gov/mmwr/preview/mmhtml/r506a1.htm> "Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services," November 30, 2007



assessment and planning processes required by the JJDP. The Formula Funds program (Title II) of the JJDP is the heart of what makes the JJDP effective and is based on a state's determination of needs and gaps for the use of such funds, within the context of Title II requirements and purposes defined by Congress;

2. **The Administration's proposal would do away with state capacity to fulfill JJDP goals:** The Administration's proposal strips away states' capacity to fulfill the requirements and purposes of the JJDP. For more than 30 years Title II funds have ensured the development and constancy of a cost-efficient JJDP infrastructure in each state. The infrastructure relies on voluntary citizen involvement in State Advisory Groups, and modest support for each Governor/executive to employ a state Juvenile Justice Specialist and other JJDP-connected staff, such as a Compliance Monitor and a DMC Coordinator. Without funding for these JJDP-focused staff positions and support to facilitate the work of the State Advisory Group, there would be no mechanism to advance the goals of the JJDP;
3. **No funding would be dedicated to supporting state and local compliance with the core requirements of the JJDP:** States and localities may not tackle some of the more difficult and complex issues in juvenile justice, especially those that necessitate substantial changes in policy and practice such as reduction of racial/ethnic disparities (DMC) in juvenile justice, without the push and incentives that federal funds provide. Title II and Title V of the JJDP provide the **sole source of public monies** dedicated to supporting state and local compliance with the core requirements (DSO, Sight and Sound Separation, Jail Removal, DMC). The Rock County, Wisconsin, example of leadership in DMC reduction is a key example of how dedicated pots of JJDP funds can be strategically used to make innovative and needed changes;
4. **It is entirely unclear that OJJDP would be open for business:** The Administration's proposal provides no explicit support for OJJDP. In fact, the proposed block grant would be administered above OJJDP by the Office of Justice Programs. Holding onto a juvenile justice focus within the U.S. Department of Justice is essential and, again, has been proven to be largely beneficial over the course of the past 30 plus years.

This breathtaking turn away from the JJDP and a juvenile justice focus within the justice department came on the heels of a damaging reduction in federal funding for juvenile justice and delinquency prevention programs. Since FY 2002, nationwide, JJDP related funds have been cut by \$235 million or more than 57%.

The chart below illustrates where funding has declined, nationwide, and the requests to which many appropriators have responded in their rejection of the Administration's proposal. Along with reductions, monies that would have gone out to the states for JJDP purposes under Title V are set aside for OJJDP projects instead, such as "Enforcing Underage Drinking Laws;" "the GREAT Program;" "Tribal Youth Programs;" and other activities that have value but are not explicitly part of the JJDP paradigm for Title V. The appropriations requests listed in the chart take into consideration post-911 budget limitations and have been advanced on behalf of the State Advisory Groups by the Coalition for Juvenile Justice.

	FY02	FY03	FY04	FY05	FY06	FY07 CR	President's Proposal FY08	House FY08 Proposal	Senate FY08 Proposal	Congress FY08 Omnibus	CJJ REQUESTS for FY08
<b>Title II</b>	\$88.8	\$83.3	\$83.2	\$83.3	\$79.2	\$79.2	-\$0--	\$81.175	\$73	\$74.26	\$96
<b>Title V</b>	\$94.3	\$46.1	\$79.2	\$79.4	\$64.4	\$64.4	-\$0--	\$70 all but \$2.5 is set aside for OJJDP projects	\$65 all but \$30 is set aside for OJJDP projects	\$61.1 all but \$3.2 is set aside for OJJDP projects	\$95
<b>JABG</b>	\$249.5	\$188.8	\$59.4	\$54.6	\$49.5	\$49.5	-\$0--	\$60	\$80	\$51.7	\$250
<b>DPBG</b>	N/A	\$126.4 via diff. vehicles	-0-	-0-	-0-	-0-	-\$0--	\$0	\$0	\$0	\$126.4

**4. In your testimony, you discussed some of the successes Wisconsin has had addressing the needs and rehabilitation of serious and chronic juvenile offenders. How can we translate those lessons nationally, and incorporate them into the JJDP?**

One of the unique programs I mentioned in my testimony was the Mendota Juvenile Treatment Center. Further information on their research and its implications on future research and policy are provided in the attached excerpts of articles reflecting research conducted on this program's effectiveness both in terms of changing behavior and sparing cost. More research on how to best treat serious violent offenders is needed.

Research costs money and is one of the first things that suffers when funding is reduced. However, these initial findings that show significant and substantial reductions in violent offending by youth who were deemed "intractable" or "untreatable" and the resultant social and fiscal cost savings make a strong case for a significant investment in both the replication of this treatment program as well as further research. OJJDP should be at the forefront of funding and conducting such research.

In Wisconsin, and I believe in many states, there is a strong desire to treat difficult offenders, and especially mentally ill youth, in settings more appropriate than "standard" correctional settings. These good intentions are often stifled by the political implications of trying new programming for high risk youth. Funding and guidance on "what works" offered by Congress through OJJDP can help to bring critical players to the table, and allow for what has proven to be more appropriate and more cost effective treatment to these youth. Once communities and local legislators see the true savings, it is much easier to ask them to pick up the cost of these programs.

The other Wisconsin program that I mentioned for serious and chronic offenders was the First Time Firearm Offenders program, a partnership between Milwaukee County and Running Rebels, Inc., a community youth-serving organization. The program has shown great success in

reducing recidivism by providing intensive services to youth who are at the crux of serious offending (carrying a gun) at a lower cost than a correctional placement. JABG funds allowed this new and innovative program to start in a time (late 1990s) when the idea of keeping serious offenders out of prison was not very popular. JJDP funds also supported the evaluation of the program, which proved critical in leveraging local support for the program when JABG funds shrunk by more than 75% in recent years. The continuance of this program necessitates use of local funds—primarily savings from reductions in correctional placements.

Now, other communities would like to replicate the First Time Firearm Offenders Program with their serious offenders and are looking for funds to help leverage local funds and to provide encouragement for local leaders to be “smart on crime” in a way that is often politically difficult. This is where JJDP funds—especially in the past when new funds were introduced, proved so valuable. Incentive grants or restoring JABG and other juvenile justice funds to at least 2002 levels, but preferably to levels in 2000 would be important steps taken in the right direction toward helping communities implement what we now know about the successful treatment and rehabilitation of serious offenders.

The results of these Wisconsin programs and other outstanding programs throughout the country can be translated nationally in three ways:

- Creation of incentive grants in the JJDP for more effective treatment of serious and chronic offenders;
- Commitment to rebuilding a strong and vital research and technical assistance division at OJJDP that is adequately funded and creates links to other research arms of the federal government, as recommended by the Federal Advisory Committee on Juvenile Justice’s Annual Report 2006;<sup>4</sup>
- Creation of an initiative to replicate the Pennsylvania model for taking research to practice as described by Ann Marie Ambrose in her testimony before the Senate Judiciary committee on December 5, 2007. While OJJDP in its Model Program Guide has provided a robust resource for states and communities to find evidence based programs, implementation can be daunting in itself. Much more technical assistance is required to help change the culture of a community.

Additional information on the Mendota Juvenile Treatment Center, research findings, and implications for further research and practice are presented in the excerpted articles to which I have provided emphases (sections in bold)—please see the attachments.

##### **5. What recommendations do you have for reducing school referrals to law enforcement?**

Wisconsin has piloted several programs in this area. One pilot program in Wisconsin that has promise is being conducted in Outagamie County. The Department of Human Services is working with law enforcement and the Boys and Girls Club of Outagamie County to provide an alternative to arrest for school related behavior. School officers take referred youth to the Boys and Girls Club where they are assessed and provided programming until the Department of Human Services can provide a case plan which usually occurs within twenty four hours. One of the hurdles to implementation of the program, however, is to persuade the schools to participate

<sup>4</sup> [http://www.facjj.org/annualreports/2006\\_Annual\\_Report\\_to\\_the\\_President\\_and\\_Congress.pdf](http://www.facjj.org/annualreports/2006_Annual_Report_to_the_President_and_Congress.pdf).

in the project. Providing incentives to schools to come to the table to help plan for such youth to return to school is a critical component of any program. Another in Barron County that has had excellent results uses restorative justice practices and programming to help schools and students create a more tolerant environment.

To gain a national perspective on the matter of school referrals to law enforcement and juvenile justice, in August of 2006, the American Psychological Association (APA) published a major report by its Zero Tolerance Task Force, "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations." They found that beginning in the mid-1990s, in response to drug enforcement concerns and later in response to school violence concerns, the vast majority of school districts in the United States enacted zero tolerance policies—although there is lack of a uniform definition. The APA acknowledges in its findings that schools have a duty to use all effective means needed to maintain a safe and disciplined learning environment. With this in mind, they examined research pertaining to the effects of zero tolerance policies on child development, the relationship between education and the juvenile justice system, and consequences for students, families and communities.

Key findings included:

- Recognition that increased reliance on more severe consequences in response to student disruption has increased referrals to the juvenile justice system for infractions that were once handled in school;
- Applications of zero tolerance policies were not equally meted out for youth of color and special needs students, as compared with the larger white and/or nondisabled student population. Youth of color and special needs students were more often subject to zero tolerance discipline, frequently interrupting their education pathways because of expulsion and/or arrest;
- There are dramatically higher expenditures by school districts for in-school security, school resource officers and similar law enforcement personnel with no attendant increases in school safety and security.

At the base of my recommendations and those of the APA taskforce is the idea that we cannot sanction infractions of school rules with the same severity as delinquent or criminal offenses. Law enforcement personnel working inside or with schools should not become disciplinarians or guidance counselors by default. Schools need to re-examine why they have "criminalized" behaviors that were handled informally and effectively within the school building in the past. They must also be cognizant of and guard against any and all forms of punitive bias toward students of color and special needs students.

The APA Task Force has listed within its report an extensive list of practice, policy and research recommendations for reforming and improving zero tolerance policies to reduce school referrals to law enforcement while ensuring optimal school safety. I will touch on a few here:

- Replace one-size-fits-all disciplinary strategies with graduated systems of discipline wherein consequences are geared to the seriousness of the infraction;

- Require school police officers who work in the schools to have training in child and adolescent development to better understand “normative” behaviors;
  - Conduct research at the national level on disproportionate minority exclusion, or the extent to which school districts’ use of zero tolerance disproportionately targets youth of color, particularly African American males;
  - Conduct research on disproportionate exclusion by disability status, specifically investigating the extent to which use of zero tolerance increases the disproportionate discipline of students with disabilities and explore the extent to which differential rates of removal are due to intra-student factors versus system factors;
  - Improve collaboration and communication between schools, parents, law enforcement, juvenile justice and mental health professionals to develop an array of alternatives for challenging youth.
6. **In his written testimony, former OJJDP Administrator Shay Bilchik made nine recommendations to Congress for strengthening the JJDP: (1) eliminate the Valid Court Order exception to the Deinstitutionalization of Status Offenders requirement; (2) extend the Adult Jail and Lock-Up Removal and Sight and Sound protections to youth held pending trial in adult court; (3) require states to take concrete steps to reduce Disproportionate Minority Contact; (4) clarify that OJJDP’s functions include research and evaluation, training and technical assistance, dissemination of research and evaluation of findings, and demonstration of new programs; (5) strengthen JJDP’s support in the area of mental health or substance abuse disorders; (6) require states to focus on the link between child victimization and juvenile justice; (7) enhance support for recruitment and retention strategies within the juvenile justice workforce; (8) enhance the role of OJJDP and the Federal-State partnership; (9) substantially increase funding for Title V Prevention and Title II Formula Grants to the states.**
- a. **As the Chair of Wisconsin’s State Advisory Group, do you agree with these recommendations?**
  - b. **Do you have any additional comments?**

I greatly respect former OJJDP Administrator Shay Bilchik and find myself in agreement with most of his recommendations. I will address each recommendation below. My main concern is that the practical effect of implementing all these recommendations may be to put more states and territories out of compliance with the JJDP, which means they will lose federal funds that are valuable to ensure compliance with the JJDP requirements and to support evidenced-based prevention and early intervention programs. If the recommendations are adopted in their entirety, there would also need to be better partnering by OJJDP with the states in the form of technical assistance without financial repercussions and penalties.

1. Eliminate the VCO Exception

I cannot immediately agree with the recommendation from Mr. Bilchik as it relates to my state. In my view, this recommendation warrants more thought and discussion regarding its purpose and implementation in the context of each state. In Wisconsin, youth under the jurisdiction of

the court may only be detained for limited reasons, as set forth in statute. Most significantly, Wisconsin requires a custody hearing before a judge or court commissioner within 24 hours of the end of the day on which the decision to detain has been made. With limited exceptions, failure to hold a timely hearing results in the juvenile being released. I believe the Wisconsin model is a good one, and protects children in custody, because it is structured to release kids within a certain time frame to any number of appropriate places and to conduct hearings very quickly.

In Wisconsin, youth who continually run away from nonsecure shelters may be placed in secure detention until a more suitable placement is found. Eliminating the VCO exception would mean that our judges who are concerned about the safety of such youth would not be able to temporarily detain them without violating federal law. Mr. Bilchik also states that judges in states that do not utilize the VCO manage status offenders without securely detaining them and cites the Juvenile Detention Alternatives Initiative (JDAI)—an initiative of the Annie E. Casey Foundation. Unfortunately, most states are not recipients of the JDAI funding. If efforts are made to eliminate or further limit use of the VCO exception, Congress will need to appropriate significantly more funds for states like Wisconsin to design alternative, nonsecure placements for status offenders, particularly those that continually run away.

## 2. Adult Jail and Lockup Removal

Here again I am concerned about placing an additional, unnecessary burden on the states. Here, too, I would want to have dialogue about how the changes proposed by Mr. Bilchik would be implemented and how states would transition to an improved status with federal support and partnership.

By way of example, presently our state has some elements in place to protect lesser offending juveniles which would need to be taken into consideration. In Wisconsin, the law requires that adult inmates be classified according to a variety of factors, including age and maturity, and they must be housed only with other inmates in the same classification. Therefore, Wisconsin law already provides some protections against juvenile offenders awaiting trial as an adult to prevent and reduce likelihood of harm by being placed with older, more seasoned offenders.

Mr. Bilchik also recommends prohibiting any sight or sound contact with adults in adult jails/lockups. But, as I see it the current JJDPa adequately protects youth who are temporarily housed in adult jails/lockups. Under the current law, there can be no sustained sight or sound contact, which OJJDP has defined to mean youth and adults must be separated so any sight contact is incidental and they cannot carry on a conversation. In addition, Wisconsin law strictly limits which county jails and lockups can securely hold juveniles. The facility must meet standards established by the Department of Corrections, juveniles must be held in a room separated and removed from incarcerated adults, the juvenile cannot be held in a cell designed for the administrative or disciplinary segregation of adults, there must be policies to ensure sight and sound separation between adult inmates and juveniles in all areas of the facility, and adequate supervision must be provided. In Wisconsin, no youth can be held in an adult jail or adult lockup unless those facilities have been approved by the Department of Corrections to hold juveniles. Only 11 jails of the 73 jails and 25 of the 62 municipal lockups are so approved. Juveniles are not held at all in non-certified facilities.

## 3. DMC

I agree with his recommendation, but want to add a word of caution about the recommendation to publicly report progress. Often the assumption of requiring public reporting is that a state/county that is performing poorly in addressing DMC will step up its efforts because it doesn't want to be publicly identified as being the "worst." However, publicity sometimes has the opposite effect. Places that are not adequately addressing DMC may take an "I won't give them ammunition to attack me" attitude, so they will refuse to collect data, engage in analysis, and other activities we want to encourage so DMC can be effectively addressed.

4. OJJDP Role --I agree with his recommendation.

5. Support for Mental Health and Substance Abuse -- I agree with his recommendation.

## 6. Mental Health and Child Victimization

I would oppose his recommendation if it places additional requirements on the state. Some of what Mr. Bilchik suggests could be quite burdensome such as requiring states to add to their State JJDP Plans things like providing technical assistance to develop coordination between delinquency and child welfare systems, and to compile data and perform analyses of the data.

Right now, I do not believe that Wisconsin is in a position to do this. The new Department of Children and Families contains child welfare, but it does not have the juvenile justice programs—those remain at OJA and DOC. So, you have the difficulty of three state agencies trying to work together. The State Advisory Group is addressing some of this in terms of the CCAP legislation and eWISACWIS, but we have a long way to go. Should such activities become mandatory, I do not think it will be enough for our state to say we are "working with" DCF and DOC to address these issues without having a concrete plan. Again, implementation and ensuring a sufficient share of federal funding support as well as a positive partnership with OJJDP are the concerns, rather than the idea itself.

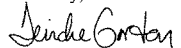
7. Recruitment/retention Strategies --I agree with his recommendation.

8. OJJDP and Federal-State Partnership --I agree with his recommendation.

9. Increased Funding --I agree with his recommendation

Many thanks for the opportunity to respond to your questions. Please feel free to call upon me if any additional information can be beneficial to your efforts to improve the federal response in support of state and local efforts and improvements in juvenile justice. I may be reached at 608-266-3323. You may also call upon Tara Andrews, Deputy Executive Director for Policy, at the Coalition for Juvenile Justice, a national leadership association of State Advisory Groups based in Washington, DC: 202-467-0864, ext. 109.

Sincerely,



Deirdre Wilson Garton

Chair, The Wisconsin Governor's Juvenile Justice Commission

Attachments to letter of December 28, 2007  
 Deirdre Wilson Garton  
 Chair, The Wisconsin Governor's Juvenile Justice Commission

## **Are Violent Delinquents Worth Treating?**

### **A Cost-Benefit Analysis**

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This study reports on the cost benefits of an intensive treatment program for unmanageable juvenile delinquent boys, compared to the usual treatment in a secured juvenile corrections facility. A total of 101 boys who received the majority of their treatment services in a specialized program providing intensive mental health treatment were matched to a group of 101 juveniles who received treatment as usual (TAU) in a secured juvenile corrections setting on the basis of treatment propensity scores. Outcome data included the number and type of criminally charged offenses over an average follow-up period of 53 months (range 14 to 92 months). Borrowing from Cohen criminal justice processing costs for each offense was calculated in 2001 dollars. The initial costs of the program were offset by improved treatment progress and lowered recidivism, especially violent recidivism. The treatment group yielded a benefit-cost ratio of more than 7 to 1 over the TAU group. The results are discussed and compared to cost-benefit analyses of other juvenile treatment programs.

Several studies have found that a small proportion of juvenile offenders account for the majority of serious and violent juvenile crimes (Howell and Bilchik 1995), and are more likely to persist in criminal activity into adulthood (Hamparian, Schuster, Davis, and White 1985; Moffitt 1993; Moffitt and Caspi 2001; Moffitt, Caspi, Harrington, and Milne 2002). Likewise, this subgroup of serious and violent juvenile offenders accounts for a disproportionate amount of the social and tangible costs of crime. Looking at the costs to victims of violent crime in Pennsylvania in 1993, (excluding criminal justice costs with the offender) Miller, Fisher, and Cohen (2001) reported that juvenile violent crime accounted for 47 percent of the cost to victims of all violent crime. **Although studies of community-based and prevention programs are certainly worthwhile, the most serious and violent juvenile delinquents are more apt to be found in secured facilities. Considering that secured placement services are the most costly to deliver the lack of studies of secured treatment services represents a significant gap in the literature.**

Cost-efficiency and cost-benefit analyses are complex and require a number of assumptions. Cost-benefit analysis involves comparisons of the costs and accrued benefits of an intervention or public policy with dollar values assigned to the costs of



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implementing the program and benefits in the form of monetized outcomes, such as lower criminal justice or victim costs. The less rigorous cost-effectiveness analysis generally compares costs of two alternative ways of managing a social issue, without monetized estimates of the accrued benefits to society (Yates, 1985).

**The Current Study:** In the current study, we analyze the cost-benefits of an intensive treatment program for difficult-to-manage incarcerated delinquent boys. **Unlike previous studies, the current study focuses on severe and violent delinquent offenders who are, unless effectively treated, likely to persist in serious offending into adulthood, and are thus likely to absorb substantial tax-funded resources.** The treatment program studied is funded through state tax revenue. Thus, we have limited our analysis to costs that are directly paid from those revenues. Because the initial costs associated with providing an intensive treatment program of this type are substantial, the effectiveness of the program at reducing future tax-related costs is highly relevant. The study uses a matched comparison group of youth that received the usual juvenile correctional services, and calculates the actual cost of treatment and follow-up criminal activity and incarceration for each youth.

**The Setting:** The Mendota Juvenile Treatment Center (MJTC) was established in 1995 as part of a broad reform of juvenile justice legislation in the State of Wisconsin. The program was intended to provide mental health treatment to the most disturbed juvenile boys held in the state's secured correctional facilities. The program has a unique clinical and/or correctional hybrid structure. Although operated under the administrative code of the Department of Corrections as a secured correctional facility, the program is housed on the grounds of a state psychiatric hospital, and the staff is employed by the hospital. The program differs from the customary services provided in the secured juvenile correctional institutions (JCIs) in several significant ways. First, the treatment program consisted of three units with 14 or 15 single-bed rooms, compared to cottages of up to 50 double-bunked youth in the conventional JCIs. The program has more than twice the ratio of clinical staff-to-residents compared to more typical JCI units. Day-to-day administration of the MJTC program is the responsibility of a psychiatric nurse manager, whereas the JCI units are typically run by experienced security staff. The MJTC program emphasizes interpersonal processes, social-skill acquisition, and the development of conventional social bonds to displace delinquent associations and activities (Gottfredson and Hirschi 1990; Hirschi 1969; Sherman 1993; Sherman et al. 1992). The program relies on a variation of the "Decompression" treatment model (Caldwell 1994; Caldwell and Van Rybroek 2001, 2002; Monroe, Van Rybroek, and Maier 1988) to engage highly disruptive youth in the treatment program, along with Aggression Replacement Training (Goldstein et al. 1986), a cognitive-behavioral treatment approach.

The population of youth studied here has been previously described by Caldwell and Van Rybroek (in press); however, all current analyses are original. The "treatment" sample is composed of 101 consecutively released male youth that obtained the majority of their treatment and rehabilitation services from MJTC and were released when their commitment expired (usually due to aging out of the juvenile system). Each "treatment"

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youth was matched to a "comparison" youth who had been admitted to MJTC briefly for assessment or stabilization services and then returned to the sending secured correctional institution for the majority of their treatment. The resulting sample consists of 202 youth who were placed on MJTC over a 2.5-year period.

The youth studied here were transferred to MJTC from the two primary secured juvenile corrections institutions (JCI). The staff at the JCI selected 152 Journal of Research in Crime and Delinquency and transferred the youths to and from MJTC with no screening from MJTC staff. Youth were generally transferred to MJTC due to their failure to adjust to the correctional institutional setting. They have been sufficiently disruptive or aggressive that they have, in effect, been "expelled" from traditional rehabilitation services. There are no exclusion criteria such as low IQ, psychosis, neurological deficits, or antagonistic resistance to treatment that would eliminate a juvenile for consideration for MJTC. Indeed, any of these conditions may serve as the basis of a decision to transfer the youth to MJTC.

First, offenders treated in the MJTC program were less likely than comparison offenders to be charged with a violent felony that injured someone within 2 years of JCI release. During this period, 10.7% (n = 6) of the MJTC youth were charged with such a violent, injurious felony, compared with 29.5% (n = 25) of comparison youth,  $X^2(1, N = 141) = 6.88, p < .01$ . When restricted to those cases with access to the community, the results were not significant,  $X^2(1, N = 141) = .16, ns$ . Second, offenders treated in the MJTC were less likely than comparison offenders to be charged with homicide during a longer follow-up period (up to 2,200 days). **None of the offenders treated in the MJTC (0%) were accused of homicide, whereas 9 (10.6%) members of the comparison group were charged with, and convicted of, at least one offense that included a homicide,  $X^2(1, N = 141) = 6.33, ns$ . These individuals accounted for 16 total deaths.**

The results of this study found that youth with psychopathy features who received intensive MJTC treatment had significantly lower rates and more days in the community before violent recidivism than those who received treatment as usual in the JCI. Although their general recidivism rates were similar, only one fifth (21%, n = 12) of the MJTC-treated youths were involved in institutional or community violence within 2 years after release, compared to approximately half (49%, n = 42) of the comparison cases. After conservatively controlling for a number of covariates, we found that MJTC-treated youth were 2.7 times less likely to become violent in the community than those who did not participate in this intensive treatment program. The disparity in recidivism rates between those who participated in MJTC treatment and those who received treatment as usual became more pronounced as the severity of offenses increased, and it was most pronounced for homicide.

The MJTC's apparent lack of impact on general and nonviolent misdemeanor offending may indicate that these offenses (primarily property and minor drug offenses) are more influenced by life circumstances in the youth's local neighborhood (e.g., socioeconomic strain) than by any personal changes that occur in treatment. Moreover, the MJTC

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treatment program was specifically geared toward reducing antagonistic interactions and interpersonal aggressiveness. For the remarkably aggressive and psychopathy-like population of youth studied here, reducing serious and violent recidivism is arguably the top priority.

The process that generated referrals to the MJTC yielded a study group of extraordinarily serious juvenile offenders. **Although longitudinal research is needed before firm conclusions about the developmental appropriateness of applying the label of psychopathic to youth can be made, the present results contribute to the weight of evidence that those with features of psychopathy can respond to sufficient "doses" of appropriate treatment** (Gretton et al., 2000; Salekin, 2002; Skeem et al., 2003).

**DISCUSSION:** The results of this study found that youth with psychopathy features who received intensive MJTC treatment had significantly lower rates and more days in the community before violent recidivism than those who received treatment as usual in the JCI. Although their general recidivism rates were similar, only one fifth (21%,  $n = 12$ ) of the MJTC-treated youths were involved in institutional or community violence within 2 years after release, compared to approximately half (49%,  $n = 42$ ) of the comparison cases. **After conservatively controlling for a number of covariates, we found that MJTC-treated youth were 2.7 times less likely to become violent in the community than those who did not participate in this intensive treatment program. The disparity in recidivism rates between those who participated in MJTC treatment and those who received treatment as usual became more pronounced as the severity of offenses increased, and it was most pronounced for homicide.**

The MJTC's apparent lack of impact on general and nonviolent misdemeanor offending may indicate that these offenses (primarily property and minor drug offenses) are more influenced by life circumstances in the youth's local neighborhood (e.g., socioeconomic strain) than by any personal changes that occur in treatment. Moreover, the MJTC treatment program was specifically geared toward reducing antagonistic interactions and interpersonal aggressiveness. For the remarkably aggressive and psychopathy-like population of youth studied here, reducing serious and violent recidivism is arguably the top priority. The process that generated referrals to the MJTC yielded a study group of extraordinarily serious juvenile offenders. **Although longitudinal research is needed before firm conclusions about the developmental appropriateness of applying the label of psychopathic to youth can be made, the present results contribute to the weight of evidence that those with features of psychopathy can respond to sufficient "doses" of appropriate treatment** (Gretton et al., 2000; Salekin, 2002; Skeem et al., 2003).

#### IMPLICATIONS FOR RESEARCH AND TREATMENT DEVELOPMENT

**Research Implications:** It is important for future research to systematically describe whether and how treatment changes psychopathy features and the extent to which these changes (or others) relate to reductions in recidivism risk. The present study is limited by the lack of information about what may have changed in these treated youth. This limits

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what can be said about whether psychopathy features truly are malleable in youth or whether some other factor is responsible for the reductions in recidivism risk. Despite this limitation, the present study differs from the two past studies of adolescents with psychopathic features and treatment outcome in three important ways. First, the treatment program of focus in the present study was specifically designed to address the needs of aggressive adolescent offenders, in part by eroding their antagonistic defiance of authority figures. Second, the sample studied here comprised juvenile offenders who uniformly scored at or near traditional cutting scores for defining psychopathy on commonly used measures. Third, the study design included a comparison group who participated in "treatment as usual." These analyses included systematic controls for the potential effect of the treatment assignment process and juveniles' supervision status on release.

Additional quasi-experiments or randomized controlled trials (RCTs) are needed to assess the response of adolescents with psychopathy features to psychopathy-relevant treatment programs. For quasi-experiments, propensity score analyses such as those used in the present study are among the best available approaches for assessing treatment response. However, these analyses are not perfect. On one hand, these analyses cannot control for unobserved variables that might affect the treatment assignment process. It is possible that variables beyond the set of 12 key demographic (e.g., race), clinical (e.g., YO-LSI, PCL Factors, IQ), and offense-related (e.g., age of onset, number of offenses) characteristics that were condensed into propensity scores in this study both affected where the offenders were treated (MJTC or JCI) and were related to recidivism risk. However, given the chiefly system-driven referral system (e.g., how many beds are available in what setting), this seems unlikely. On the other hand, propensity score analyses and related statistical control techniques may be overly conservative in estimating treatment effects. For example, to the extent that greater treatment response is associated with a less restrictive setting on release, controlling for supervision status may control some of the variance of treatment response itself.

**Treatment Development Implications:** In addition to conducting RCTs or carefully conceptualized and analyzed quasi-experiments, it will also be important in future research to disentangle the effect of treatment resistance from treatment type. Although it is reasonable to assume that psychopathy may require specialized treatment techniques, it is also possible that individuals with psychopathic features may derive benefit from existing treatment techniques if they are delivered in sufficiently consistent and intensive doses, overcoming any resistance.

Based on the design of the present study, it cannot be definitively determined whether the relation between MJTC treatment and reduced recidivism risk reflects quantitative factors (i.e., the intensity and persistence of treatment) or qualitative ones (i.e., specialized treatment techniques). The most consistent "qualitative" factor in place during the study period was contextual: The MJTC program relied on a mental health administrative structure and philosophy with substantially more clinical staff, as contrasted with a correctional administration structure and staffing in the usual JCI treatment (see Lipsey,

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Wilson, & Cothorn, 2000). Although cognitive-behavioral treatment techniques were used, the program was repeatedly reorganized during the study period. Thus, it is unlikely that specialized treatment techniques account for the treatment effects seen here.

Individuals with psychopathy features tend to disrupt treatment programs, and as a result, they are more likely to be screened out, to drop out, or to be expelled from treatment. Oftentimes, security-based behavior management expands and treatment services are reduced. If the treatment program is not designed to retain individuals with very difficult characteristics, it is unlikely that these individuals will derive much benefit from treatment. The MJTC program attempted to keep youth involved in treatment regardless of their behavior. Disruptive and aggressive behavior was responded to with a priority given to providing continuous intensive treatment. In this respect, the greatest challenge to effective treatment of psychopathic individuals may be in the implementation and management of a treatment program that addresses safety issues without sacrificing the continuity of treatment.

**These results raise the prospect that the violence potential of adolescents with significant psychopathy features may be significantly reduced through intensive treatment. These findings also suggest that concentrating treatment resources on this high-risk group of youth may be a maximally effective and efficient means of reducing violent and criminal behavior. And these possibilities necessitate much more study.**

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### **Reducing violence in serious juvenile offenders using intensive treatment**

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This study reports on the reduction in violent offending in a population of serious and violent juvenile offenders following an intensive institutional treatment program. The treatment group (N=101) is compared to a similar group that was assessed but not treated (N=147). All youth were sent to the program from a juvenile corrections institution where they had received the customary rehabilitation services. The results show a significant reduction in the prevalence of recidivism in the treated group after controlling for time at risk in the community and other covariates. The effects of non-random group assignment were reduced by including a propensity score analysis procedure in the outcome analysis. **Untreated comparison youth appeared to be about twice as likely to commit violent offenses as were treated youth (44% vs. 23%). Similarly, treated youth had significantly lower hazard ratios for recidivism in the in the community than the comparison youth, even after accounting for the effects of nonrandom group assignment.**

**Serious and Violent Recidivism:** The results clearly show that MJTC treatment predicted slower and lower rates of serious and violent recidivism in the community. For felony offending, after accounting for non-random treatment assignment the change in  $\chi^2$  log likelihood ratio when treatment status was included was significant,  $\chi^2$  (1, N=248)=9.12,  $p < .005$ . Similarly, treatment significantly improved the model fit for general violence,  $\chi^2$  (1, N=248)=8.76,  $p < .005$ , and for felony violence,  $\chi^2$  (1, N=248)=9.86,  $p < .005$ , after controlling for the effects of non-random group assignment. As an illustration of the effects, the survival curve for violent offending for each treatment group after accounting for non-random group assignment is shown in Fig. 2, on the next page.

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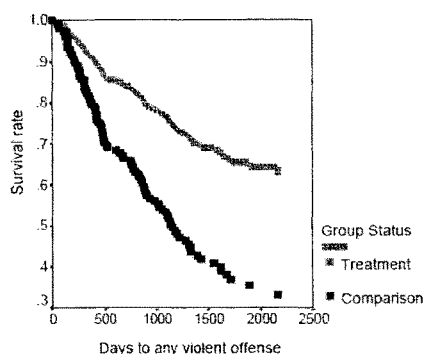


Fig. 2. Survival curves for MJTC treated youth and Comparison youth for violent offenses in the 54-month follow-up period.

These results indicate that, in addition to reducing the number of youth involved in offending, MJTC treatment increased the time in the community before failure in each outcome category. There appeared to be a more pronounced effect for more serious and violent offending. The prevalence of charged homicide offenses further illustrates this point. In stark contrast, the comparison group had a charged homicide rate of 7%, (accounting for 16 deaths). None of the treated group had been charged with a homicide during the follow-up period.

**Discussion:** These results indicate that the treatment approach used on MJTC appears to reduce the probability of re-offending and extend the time to first offense for treated youth. Further, the treatment program appears to have the greatest impact on serious violent offending, reducing the risk of such offenses by about half. Within the population of serious and violent juvenile offenders, those with the most extreme problems studied here appeared to be no less likely to respond to the treatment program. This study, therefore, provides a challenge to the notion that these youth are untreatable.

These findings have several potential public policy implications. Within institutions that house disruptive juvenile delinquents, approaches that interrupt active mental health services in order to apply deterrent sanctions or other behavior management interventions may be particularly misguided. Sanctions in particular may result in a deteriorating cycle of defiance. While steps to control the aggressive behavior of some youth are necessary, treatment approaches need to be designed so that they can be safely applied even when the juvenile is disruptive and uncooperative.

The meta-analysis conducted by Lipsey et al. (2000) found that youth that had shorter institutional stays also tended to have lower recidivism rates. In the current study a

Attachments to letter of December 28, 2007

Deirdre Wilson Garton

Chair, The Wisconsin Governor's Juvenile Justice Commission

treatment program that focused specifically on improving institutional adjustment yielded both shorter stays and lower recidivism in the treatment group. This suggests that programs that actively target institutional adjustment problems may produce benefits in lower institutional costs and less community recidivism.

A clear limitation of these data is that it is not clear what characteristics of the program may have impacted the youth, or precisely how the treatment process works to lower recidivism risk. The results found here are consistent with the meta-analysis conducted by Lipsey et al. (2000) that found mental health administered institutional programs to be more effective than juvenile justice administered programming. It is possible, then, that the treatment effect reflects organizational structure, staffing, and administration, rather than the more intensive treatment techniques. In addition, although the Decompression model is designed to treat more aggressive individuals, these data are not sufficient to conclude that it was the Decompression model that produced improved behavior management in the institution or lower violent recidivism upon release to the community.

**Even with these limitations, the intensive treatment model used on MJTC appears to hold great promise for improving public safety by reducing serious and violent offending in the most antagonistic and unmanageable juvenile delinquents.**

Institutional treatment strategies often focus on reducing specific delinquency risk factors such as poor problem solving, anger control, social skills or moral reasoning. Outcomes of these approaches have been mixed. Tate et al. (1995) reported the common finding that, even when these approaches succeed in ameliorating the risk factor, this often has no impact on re-offense. A fundamental concept in the Decompression model is that treatment needs to do more than install needed skills in the juvenile to be effective. Rather, treatment also needs to address the youth's detachment from, and antagonistic defiance of, conventional behavior and conventional lifestyles. This is not easily accomplished and it cannot be reduced to a structured program of workbooks and phases of treatment. Using a structure similar to the treatment approaches and attitudes fostered by researchers in the motivational interviewing paradigm (Burke, Arkowitz, & Menchola, 2003; Miller & Rollnick, 2002), as well as tenets in Hanna's change model (Hanna, 2002), MJTC focuses on setting the conditions for change. **The results show that a program that specifically targets generating system conditions that foster change can reduce violent recidivism even with violent and seemingly intractable juveniles.**





## GOVERNOR'S JUVENILE JUSTICE COMMISSION

JIM DOYLE, GOVERNOR

DEIRDRE GARTON, CHAIR

December 28, 2007

The Honorable Edward M. Kennedy  
United States Senate  
Judiciary Committee  
317 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Kennedy:

I was very pleased and honored to testify at the December 5, 2007, hearing of the Judiciary Committee entitled, "Reauthorization of the Juvenile Justice and Delinquency Prevention Act: Protecting Our Children and Our Communities." I truly appreciate the committee's consideration of and attention to the issues related to the reauthorization of this important statute.

Today, I am writing in response to questions you have posed to me, received December 18, 2007, as follows:

**1. Disproportionate minority contact is one of the most important issues facing the juvenile justice system. It's a problem in every state in the country. This year, the federal Advisory Committee on Juvenile Justice's Annual report indicated that 38 states identified disproportionate minority contact as their most troublesome issue. Minority youth are overrepresented at every stage of the juvenile justice system and are treated more harshly than majority youth at every stage of the juvenile justice process.**

For example, African Americans make up 16% of the population of youths in America; however, they represent 28% of the juvenile arrested, 37% of the juveniles detained, 35% of the juveniles waived to the adult criminal court and 58% of the juveniles sent to adult state prisons. The reasons for the difference in juvenile justice processing are complex and much work is needed to deal effectively with these challenges. Recent research, however, has indicated that disproportionate minority contact cannot be solely explained by difference in offending behavior among racial groups.

Over-representation of minority youth calls into question the fundamental fairness of our juvenile justice system and decreases the legitimacy of the entire criminal justice system. The JJDPa mandates that states assess and address this issue, but there is not a requirement that states take steps to reduce racial disparities in their juvenile justice systems.

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**a. Would you support strengthening the disproportionate minority contact core protection in the JJDP Act? If so, please provide specific recommendations on how it could be strengthened?**

First of all, I thank you for your important statement regarding the JJDP core requirement on reduction of Disproportionate Minority Contact (DMC). I agree with your statement and wholeheartedly support strengthening the DMC core requirement of the JJDP. Requiring states and localities to take action steps toward collecting data, analyzing the problem, developing programs to address the problem, and monitoring and evaluating progress are all consistent with allowing states to move forward and strengthen the DMC core requirement. As a word of caution, DMC is a very difficult problem to address, fraught with emotion and defensiveness. The key to success is to allow states and localities to come to the question in a problem-solving manner (please see my response to part b, below).

It is critical to increase federal partnerships with states and localities for provision of technical assistance and to use a growth model for success which recognizes progress and developmental steps. This is the philosophy you see in the approaches to DMC reduction supported by the Annie E. Casey Foundation and the John D. and Catherine T. MacArthur Foundation, among others, who are pioneering in reducing racial/ethnic disparities in juvenile justice. It will be crucial to guard against amending the JJDP in a manner that is simply then used as a way for OJJDP to find states out of compliance.

**b. What steps need to be taken to address the disparate treatment of minorities in the juvenile justice system?**

The Wisconsin State Advisory Group has been addressing DMC for more than a decade. Using Title II Formula Funds, we commissioned a study to help us understand which communities had troubling raw numbers. As a result, Wisconsin could focus the allocation of the federal dollars to the communities that most needed to address the issue of disproportionality. That effort along with the focus on evidence-based services, which we highlighted in *What Works Wisconsin*, gave us the road map for the data collection that we required of each of our counties and the programming that we supported to address DMC.<sup>1</sup>

Our goal in encouraging evidence-based practices was not to impose from the top down, but for each community to bring together its stakeholders to look at their own data and then choose or fashion their own programs using the most cost effective models available.

The success of the Rock County DMC programming followed from being effective in five main areas:

- (1) using data to drive decisions;
- (2) incorporating research-based principles and evidence-based programs into our solutions;
- (3) making sure new programs were coordinated as part of a broader service continuum;
- (4) sustaining mechanisms for continuous monitoring and improvement; and
- (5) effective collaboration among system leaders and stakeholders.

<sup>1</sup> Small, Stephen, Reynolds, Arthur, O'Connor, Cailin, Cooney, Siobhan, *What Works Wisconsin*, <http://ojs.state.wi.us/docview.asp?docid=6444&locid=97>

The DMC Advisory Board has remained focused on points in the system that they could control. They did not allow themselves to become sidetracked by a discussion of larger socioeconomic and societal issues (i.e., racism, poverty). Also, the Advisory Board identified and focused on the decision point they felt they were in the strongest position to address: placement in secure detention. Once they addressed that decision point, they could build on their success to address others.

#### **(1) Use of data**

In 2002, they conducted a data analysis to better understand why more African American youth were in the Rock County detention center than Caucasian youth. African Americans represent the predominant minority population in Rock County. Rock County gathered data to determine:

- (1) Who was the primary detaining authority in detention admissions?
- (2) What offense types resulting in secure detainment had the highest disproportionality?
- (3) What time of day were incidents taking place that were leading to detainment?
- (4) Where were incidents occurring that led to detainment?

The data showed:

- A significant number of African American youth who were being admitted to secure detention were already on probation and were being ordered to detention by their probation officers as a result of probation violations that, from a public safety standpoint, were relatively minor offenses.
- The offense types resulting in a detainment that had the highest degree of disproportionality of African American youth were: disorderly conduct, misbehavior at school, and minor drug offenses.
- The majority of incidents leading to detainment occurred during school hours, with a significant percent occurring at a school location.

From the analysis of the data, the DMC Advisory Board concluded that developing and utilizing non-detention sanction alternatives for appropriate probation violation cases could have a positive impact on the disproportionate number of African American youth securely detained. They also concluded that schools and law enforcement needed to coordinate more closely.

Thus, the data analysis drove the decision to create program modules for the sanctioned youth to complete in lieu of being sanctioned to the Detention Facility. The educational modules were directed to students who had engaged in disorderly conduct, school misbehavior and minor drug offenses to address those behaviors. A new youth worker was responsible for delivering those modules, coordinating with probation officers to make sure the modules were utilized in all appropriate cases and coordinating with schools and law enforcement.

#### **(2) Research-based Principles and Evidence-based Programs**

Using alternatives to secure detention is in itself a research based practice. Research indicates that placement in secure detention does not deter most juveniles from engaging in future criminal

acts and carries a profound negative impact on young people's mental and physical well being, education and employment.

The educational diversion modules incorporated evidence-based programming, such as Prime for Life. As our DMC programming expanded, they added a mentoring component based on Michigan's Adolescent Diversion Project (ADP) and a first time offender program based on California's Repeat Offender Prevention Program (ROPP).

Because evidence indicates the most successful services are delivered either at home or in a home like environment, the location of service delivery was chosen based on its inviting and homelike qualities and accessibility to youth and their families (The Merrill Community Center, which is located in the heart of a challenged neighborhood in which many African American youth on probation reside).

Because evidence indicates that the most successful programs are individually tailored in type and intensity to each youth/family based on a risk and needs assessment, a multi-disciplinary assessment component was added to the programming.

### **(3) Part of a Broad Continuum**

As the program progressed, the DMC Advisory Board and Rock County worked to provide links to community organizations for the youth wanting and needing continued structure after they completed program modules. They also referred youth to the mental health system to provide services to youth and families in the programs who needed and would accept in home family counseling services.

### **(4) Continuous Monitoring & Improvement Mechanisms**

Rock County developed a commitment to data analysis and the use of data as a management tool to monitor the effectiveness of the program and identify areas for improvement. To do this, Rock County continues to collect and analyze data relating to the monthly percentage of minority admissions, Rock County Human Services Department (HSD) RockStat process. Based on the City of Baltimore's highly successful CitiStat program, HSD RockStat involves: monthly meetings with division managers and supervisors to review program and fiscal performance utilizing a series of outcome based data reports; meetings utilize multimedia aids and are administered in a highly structured format where follow-up assignments and corrective actions are meticulously tracked.

### **(5) Effective Collaboration Among System Leaders and Stakeholders**

Because there are so many actors involved with the juvenile justice system (i.e., courts, probation, schools, police) and so many stakeholders that have unique insights into how improvements can be made (i.e., parents of youth who have had contact with the system, youth who have been through the system, nonprofit agencies who serve youth in the system and citizens in general), Rock County was committed to using its DMC Advisory Board fully. It gave and gives input to the analysis and program implementation.

JJDPA emphasizes and has requirements regarding some of the areas discussed above. Most of these concepts, while not completely foreign to Rock County, were not institutionalized.

Programming made possible through funds under the JJDPA helped these concepts take root. They are now part of the philosophy and culture of the Rock County Human Services Department.

I would urge you to consider strengthening amendments to the DMC core requirement that would provide for a systemic approach based on data, more guidance regarding implementation of best practices and greater evaluation of innovative models.

Many thanks for the opportunity to respond to your questions. Please feel free to call upon me if any additional information can be beneficial to your efforts to improve the federal response in support of state and local efforts and improvements in juvenile justice. I may be reached at 608-266-3323. You may also call upon Tara Andrews, Deputy Executive Director for Policy, at the Coalition for Juvenile Justice, a national leadership association of State Advisory Groups based in Washington, DC: 202-467-0864, ext. 109.

Sincerely,



Deirdre Wilson Garton  
Chair, The Wisconsin Governor's Juvenile Justice Commission



## GOVERNOR'S JUVENILE JUSTICE COMMISSION

JIM DOYLE, GOVERNOR

DEIRDRE GARTON, CHAIR

December 28, 2007

The Honorable Herbert H. Kohl  
United States Senate  
Judiciary Committee  
330 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Kohl:

Thank you for the invitation and opportunity to testify at the hearing of United States Committee on the Judiciary titled "Reauthorization of the Juvenile Justice and Delinquency Prevention Act: Protecting Our Children and Our Communities." It was truly an honor. It was also a pleasure to have breakfast with you that day and for you to engage me and other witnesses in dialogue at the hearing.

I greatly appreciate your consideration of and attention to the issues related to the reauthorization of this important statute, and that of the Committee as a whole. Today, I am writing in response to questions posed to me by your office following the hearing.

**1. What evidence exists to show that the public is willing to see greater investment of federal appropriations and support in juvenile justice?**

Thank you so much for this question. An assessment of the public's support for the varied responses to youth offending is important because policymakers often justify expenditures for punitive justice reforms on the basis of popular demand. To the extent Congress' misreading of public sentiment has led to the adoption of more expensive policy alternatives than the public wants, tax dollars are likely being wasted on policies that are costly, possibly ineffective and less popular than is widely assumed.

Recent polling data reveals the public's support for rehabilitative measures over more punitive measures when dealing with youth delinquency and crime. A survey conducted by the MacArthur Foundation's Research Network on Adolescent Development and Juvenile Justice found that taxpayers' willingness to pay for additional rehabilitation is almost 20 percent greater than their willingness to pay for additional punishment (\$98.49 vs. \$84.52). Conversely, significantly more respondents are unwilling to pay for additional incarceration. The findings of this survey are significant because as opposed to merely asking respondents whether they approve or disapprove of a policy (i.e., incarceration vs. diversion), respondents were asked what they as individual taxpayers are willing to pay for a specific policy. This phrasing yields a more accurate estimate of respondents' attitudes towards a specific policy (e.g., would you be willing to pay an additional \$100 in taxes for this change in the law?).

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In addition, a recent poll commissioned by the Center for Children's Law and Policy, as part of the MacArthur Foundation's Models for Change juvenile justice reform initiative found that :

- Less than 15 percent of those surveyed believed that incarcerating youth was a "very effective" way to rehabilitate youth.
- Nearly 9 out of 10 (89 percent) of those surveyed agreed that "almost all youth who commit crimes have the potential to change."
- More than 7 out of 10 agreed that "incarcerating youth offenders without rehabilitation is the same as giving up on them."
- Eight out of 10 favor reallocating state government money from incarceration to programs that provide help and skills to enable youth to become productive citizens.
- More than 75 percent of respondents favor juvenile justice policies that keep nonviolent youth in small facilities in their own communities, and 6 of 10 favor community supervision for nonviolent youth.

In its reauthorization of the JJDP, Congress can ensure that the federal government's approach to juvenile justice accurately reflects taxpayers' will and beliefs. The Coalition for Juvenile Justice—a national association of State Advisory Groups—and more than 250 other national, state-based and local organizations recommend prioritizing cost-effective approaches to youth delinquency and crime that yield real benefits for public safety. Specifically, by consensus, this group of organizations recommends the following changes in the statute with which I concur in principle. I would be interested in reviewing and commenting on specific language to accomplish these changes:

- Amend Sec. 223(a)(7)(B) to promote alternatives to detention and incarceration;
- Amend Sec. 222(e) to promote high performance standards and outcomes in states with incentive funds;
- Amend Sec. 204(b)(7) to require the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to conduct research on the effectiveness of the practice of trying juveniles as adults in criminal courts and the status of the conditions of placement of youth in adult jails and prisons; and
- Amend Sec. 299C(a)(2) to prohibit the use of federal funds for ineffective programs, such as boot camps, scared straight programs and large residential institutions.

## 2. What would it mean for your state to receive a large infusion of Title V funds?

In 2002, the Wisconsin Office of Justice Assistance conducted a County Needs Survey.<sup>1</sup> Seventy-five (75) of the respondents from sixty-one (61) counties listed "funding for delinquency prevention services" as their most critical need. In an informal survey conducted by the Office of Justice Assistance during the fall of 2007, grantees both public and private begged for help in implementing evidence-based services in their communities which are primarily

<sup>1</sup> It was the last survey conducted given the paucity of Title V allocations and increased earmarking of those funds during the following five years.

prevention programs. 2003 was the first year that Wisconsin received no federal Title V funds. Consequently, projects using Title V funding received no continuation funds in calendar year 2004 and there was no funding source focused solely on delinquency prevention in Wisconsin. In 2004, Wisconsin received \$246,000; in 2005 \$249,000; in 2006 \$56,250; and in 2007 75,000—down from \$741,000 in 1999.

In 2005, Wisconsin developed a Statewide Title V Model Program to address the loss of federal funds for prevention work. Prior to 2002, the Title V funds that we did receive had historically gone to high need communities to support community projects such as:

- Boys and Girls Clubs on the Lac Courte Oreilles reservation and in the Greater Milwaukee Area;
- Integrated service projects in poverty stricken rural areas and Milwaukee Wraparound services; and
- The Disproportionate Minority Confinement Reduction initiatives in Milwaukee, Dane, Rock, Kenosha, Racine and Rock Counties.<sup>2</sup>

In 2005, Wisconsin proposed running a model Title V Delinquency Prevention program in Wisconsin. The funds would be used to:

- Refocus Wisconsin's county-based juvenile justice systems on comprehensive community-based prevention services as the most cost effective way to reduce crime;
- Rebuild community prevention policy boards to support the integration of services in a way that best serves youth and families, especially our growing minority population;
- Reinvigorate county systems that have—due to lack of resources—been forced to focus the majority of juvenile justice funds on a few deep end kids who require out-of-home care;
- Restore Wisconsin's commitment to youth by funding programs that support young children and families, help to keep youth in school, and prevent juvenile delinquency by reducing risk factors;
- Respond proactively to youth experiencing multiple risk factors, and help build protective factors in at-risk youth across the state.

Wisconsin projected the cost of the program to be approximately \$5 million. The entire amount (\$2-\$5 million) would supplement county juvenile justice systems (presently under-funded with Youth Aids dollars). It would allow Title V funds to be available to every county statewide. Projects would be funded for 2-3 years, prioritized by need, with continuation decisions based on positive, data driven outcomes. Priority would be given to funding evidence based programs.

The types of programs that would be funded and encouraged are described in the meta-analysis commissioned by the Wisconsin State Advisory Group, the Governor's Juvenile Justice

<sup>2</sup> Milwaukee, Dane, Rock, Kenosha, Brown and Racine counties account for nearly 75% of all youth committed to juvenile correctional facilities in Wisconsin, and 87% of the minority youth committed to those facilities.



Commission, *What Works, Wisconsin*.<sup>3</sup> Those would include programs such as: Chicago Parent Child Centers, Perry PreSchool, Nurse-Family Partnership program, Strengthening Families, Skills, Opportunities and Recognition (SOAR), Positive Adolescent Choices, Michigan State Therapeutic Interventions, Multisystemic Therapy, Multidimensional Family Therapy, Treatment Foster Care.

A large infusion of federal funds into prevention would do a number of things to put infrastructure in place to address the prevention needs of our children and their families, such as:

- Providing funding statewide, while leveraging local dollars, to help communities refocus their efforts in the areas of preventing delinquency and building protective factors in at-risk youth, families, and communities.
- Reducing delinquency, and providing diversion options for urban minority youth by building the capacity of communities to proactively and comprehensively serve these youth and families in a fair, unbiased, culturally sensitive and effective manner.
- Increasing the use of proven and promising programs in the areas of delinquency prevention and early intervention to help move communities toward self-sustaining juvenile justice programs and systems.
- Expanding the use of the Milwaukee Wraparound program (including its unique funding mechanism) to other counties to maximize the use of Medicaid dollars, shift to a family need based system of care, and provide services to youth while holding them accountable and maintaining them safely in their homes.
- Renewing a commitment to healthy youth and families that is the underlying theme in the Title V Delinquency Prevention Program.

**3. How would additional funding of Title V for prevention programs affect incarceration rates of youth?**

In March of this year, the Illinois Criminal Justice Information Authority published a program evaluation summary, "Redeploy Illinois program decreases incarceration rates among juveniles" (see attached). It was an assessment of a pilot program in the Second Judicial Circuit of the state that provides community-based and restorative justice services to nonviolent felony offenders. The Second Circuit was one of four sites. The sites were asked to employ alternatives to incarceration such as:

- Establishing a continuum of local, community based sanctions and treatment alternatives for juvenile offenders who would be otherwise incarcerated;
- Establishing or expanding local alternatives to incarceration;
- Creating or expanding assessment and evaluation services of programs;
- Creating or expanding supervision services or programs for individual juvenile offenders; and

<sup>3</sup> Op Cit Appendix A at page 1 - 6.

- Focusing on juveniles who would otherwise be held in confinement.

These are the very sort of system improvements and supports that are typically funded using Title V funds. And, in most cases there are cost savings and opportunities to use the federal monies to leverage state or county funding for ongoing sustainability of community based alternatives to incarceration.

In Illinois, as the program summary cites, after ten months of implementation Redeploy Illinois was a success in multiple ways:

- The program met its statutory objectives in implementing community based sanctions, treatment alternatives and services for juveniles that would have otherwise been committed to corrections or secure detention;
- Projected reductions in corrections commitment were predicted to exceed the target of 35% or more reductions.
- Program costs were dramatically lower per juvenile than the cost of committing juveniles to corrections.

**4. What information do we have about the likely long term economic effects of such an investment in prevention?**

Again, I point to the meta-analysis conducted in the *What Works Wisconsin* study that shows in Table 1 (see attached) the return on investment in prevention programs.<sup>4</sup>

Also, in his September 2007 testimony before the healthy Families and Communities Subcommittee to the U.S. House Committee on Education and Labor, Steve Aos, Assistant Director of the Washington State Institute for Public Policy, presented his Institute's research that shows long-term economic benefits of investments in prevention of juvenile delinquency and crime (full testimony and a prevention program chart are attached).

Using rigorous standards, his Institute found that there are economically attractive evidence-based options in juvenile justice programming and prevention, as well as adult corrections. Notably the following evidenced-based approaches, among several others, were found to produce declines in repeat offending/recidivism:

- Multidimensional Treatment Foster Care and similar highly-refined family focused therapeutic programs;
- Diversion of nonviolent offenders into structured community based programs;
- Educational/academic skill development;
- Juvenile sex offender treatment.

However, some juvenile justice programming was shown to be detrimental in meeting the goal of deterring future offending, specifically "Sacred Straight" and similar approaches that employ the idea of taking youth into adult correctional institutions to hear about the grisly reality of a life of crime. In addition, some approaches showed no discernible effect in reducing crime and delinquency, including the following, among others:

- Surveillance-oriented probation/parole;

<sup>4</sup> Ibid.

- Wilderness challenges;
- Court supervision without services (simple release).

In terms of primary prevention, Aos and his colleagues also found significant long-term cost savings in employing evidence-based approaches, such as:

- Nurse Family Partnerships for mothers (parents) of young children;
- Pre-K education for low income 3-4 year olds;
- High school graduation.

The big take away from Aos' research and testimony is that the portfolio for use of prevention funding must steer away from ineffective approaches and invest in those that are clearly known to be effective. Such judgments can be made now based on his research and that of others. As an ancillary benefit that can also be assumed, Aos adds that early, holistic juvenile justice interventions will lead to lower construction and facility costs as the population of confined juveniles declines.

**5. During the hearing, we heard about the important role the Office of Juvenile Justice and Delinquency Prevention plays in conducting research and providing technical assistance to states. In your opinion, should OJJDP do more in these two areas to assist states?**

Yes! Vis-à-vis the Administrator, OJJDP is, by statute, the lead agency within the federal government charged with developing and implementing policies that govern the treatment of juvenile offenders by federal agencies and the federal government's efforts to influence the states' juvenile justice systems. In carrying out these functions, it is critical that OJJDP do more to conduct research and provide technical assistance to the states, with particular emphasis on that which relates to state-identified needs.

First, not every state has the resources to evaluate the effectiveness of their laws, policies and programs using the proper research methods, i.e., control groups, double-blind studies, etc. In addition, the overwhelming majority of states are not equipped to compare the impact of their laws, policies and programs with those of other jurisdictions. As the federal home and nationwide hub for juvenile justice, OJJDP is perfectly positioned to conduct these evaluations and research studies and/or partner with states and local jurisdictions to conduct these evaluations and studies so that states and local jurisdictions know to a scientific certainty what works and what does not.

Second, having determined what works and what doesn't, translating research into practice requires assistance and guidance. No two jurisdictions are alike, therefore developing and replicating successful practices from one jurisdiction to the next is not as simple as applying a cookie-cutter approach. States and local jurisdictions new to the practice require technical assistance to help them understand the practice, understand why it works and successfully adapt the practice to their jurisdiction in a way that works for their population(s) and produces similar results.

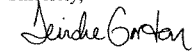
In its reauthorization of the JJDP, Congress can ensure that OJJDP better fulfills its research and technical assistance functions for the benefit of the states and the general public's safety. The Coalition for Juvenile Justice and more than 250 other national, state-based and local organizations recommend amplifying OJJDP's research and technical assistance functions in

ways that serve the field. Specifically, by consensus, this group of organizations recommends the following changes in the statute, with which I concur in principle. I would be interested in reviewing and commenting on specific language to accomplish these changes:

- Amend Secs. 251 and 252 to prioritize OJJDP's research and technical assistance functions to support states' efforts to comply with the core protections of the JJDP, advance research that is responsive to state-identified needs and help states identify and replicate best- and evidenced-based practices.

Many thanks for the opportunity to respond to your questions. Please feel free to call upon me if any additional information can be beneficial to your efforts to improve the federal response in support of state and local efforts and improvements in juvenile justice. I may be reached at 608-266-3323. You may also call upon Tara Andrews, Deputy Executive Director for Policy, at the Coalition for Juvenile Justice, a national leadership association of State Advisory Groups based in Washington, DC: 202-467-0864, ext. 109.

Sincerely,



Deirdre Wilson Garton  
Chair, The Wisconsin Governor's Juvenile Justice Commission



# Program Evaluation

## Summary

Vol. 5 No. 2

March 2007

## Redeploy Illinois program decreases incarceration rates among juveniles

By Kimberly Burke

**A** Redeploy Illinois pilot program implemented in the Second Judicial Circuit of Illinois provides community-based services to non-violent juvenile felony offenders.

This *Program Evaluation Summary* describes an evaluation of the Second Judicial Circuit's Redeploy pilot program. The evaluation of the program was supported by a grant awarded to the Authority by the Illinois Department of Human Services.

The Second Judicial Circuit Redeploy Program was instituted to apply individualized evidence-based practices to address the needs of middle and high-risk juvenile offenders. Probation officers and community service providers monitor and provide services to juveniles selected for the program, and a research team evaluated program implementation and impact between March

and December 2005. Several methods were used in this evaluation, including online surveys, interviews, site visits, and focus groups with key personnel.

### Background

Redeploy Illinois Public Act 093-0641 provides counties or groups of counties with funding for community-based services, which can include opportunities in education, recreation, community service, crisis and health intervention, and alternative forms of detention for non-violent youth who would otherwise be committed to the Illinois Department of Juvenile Justice (IDJJ).

Research through the Office of Juvenile Justice and Delinquency Prevention suggests that non-violent youth are less likely to be involved in subsequent delinquent behavior if they receive appropriate services in the community rather than being incarcerated. These community-based options for juveniles are also usually less expensive than institutional care in correctional facilities.

Redeploy Illinois programs are being implemented at four pilot sites in Illinois. Sites are located in the Second Judicial Circuit, serving Crawford, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jefferson, Lawrence, Richland, Wabash, Wayne, and White counties, and in Macon, St. Clair, and Peoria counties. By accepting the funds to provide community-based services to delinquent youth, programs are obligated to reduce the number of youth Illinois Department of Juvenile Justice commitments by 25 percent for the previous three years.

At the time of this evaluation, the Illinois Department of Corrections (IDOC) Juvenile Division oversaw juvenile incarceration. The Illinois Department of Juvenile Justice now oversees these commitments.



Rod R. Blagojevich, Governor  
Sheldon Sorosky, Chairman  
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Program Evaluation Summaries are derived from program evaluations funded or conducted by the Authority. The full evaluation reports are available from the Authority.

For more information about this or other publications from the Authority, please contact the Authority's Criminal Justice Information Clearinghouse or visit our website.

Printed by authority of the State of Illinois, March 2007.

### Program performance

The evaluation team selected six performance indicators following the principles of balanced and restorative justice (BARJ) to assess the program. BARJ is a justice philosophy recognizing that victims, offenders, and communities have an equally vital role in the justice process. The three main components of BARJ are repairing the harm to victims by holding offenders accountable for their actions, developing offenders' pro-social competencies to prevent repeat delinquent behavior, and ensuring community safety by fostering positive relationships among all community members.

### Performance indicators

The Second Judicial Circuit's program involved community, family members, and crime victims. Implementation performance indicators included program alignment with the Redeploy Illinois Public Act, the juvenile participant selection process, program communication and awareness, service options, providers, and availability, resource utilization, and assessment methods.

### Program alignment

The Redeploy Illinois Act contains specific purpose statements for a county or a group of counties receiving funding to implement the program. The Second Judicial Circuit's program met five of 13 alignment indicators. The indicators in which the program was found compliant included:

- Establishing a continuum of local, community-based sanctions and treatment alternatives for juvenile offenders who would be otherwise incarcerated.
- Establishing or expanding local alternatives to incarceration.
- Creating or expanding assessment and evaluation services or programs.
- Creating or expanding supervision services or programs for individual juvenile offenders.
- Focusing on juveniles who would otherwise be held in confinement.

The program was found to still be a "work in progress" or near compliance with six alignment indicators including creating or expanding education, vocational, and substance abuse services and programs for individual juvenile participants, coordinating mental health services, providing other individualized services, and restoring the participant within the community.

The evaluation found that it was too early to tell whether the program was in compliance with reducing the county or circuit's utilization of secure confinement of juvenile offenders. Evaluators projected that the judicial circuit would commit 18 juveniles to IDOJJ compared to the average of 41 juveniles for the years 2001 through 2003. The evaluation concluded before the end of the program's first year. Incarceration data is not yet available from IDOJJ for that time period.

### Juvenile participant selection process

The program served 54 juvenile participants during the evaluation period and was projected to serve 65 during the first year. Participants are required to be between the ages of 13 and 17 years old, have been adjudicated for an offense punishable by incarceration in IDOJJ, have only one prior adjudication, and have a Youth Assessment and Screening Instrument (YASI) score of medium-high risk. Juveniles convicted of first-degree murder or a Class X forcible felony are ineligible. A Juvenile Justice Redeploy Illinois Form, used to capture background information on each juvenile including, demographics, date of referral, referring agency, prior placement information, education status, YASI results, prior adjudication information, and medical information, helps determine and document a juvenile's eligibility to be part of the Redeploy program.

### Communication and program awareness

Community awareness of the Second Circuit Redeploy Illinois program was promoted in meetings, newspaper and newsletter articles, phone calls to community members, other agencies, and victim service organizations, and e-mail updates to judges, state's attorneys, and public defenders. Telephone interviews were conducted with key juvenile justice personnel in the Second Circuit to determine the effectiveness of these methods. Overall, the meetings, e-mail updates, and phone calls were perceived as the most effective methods of increasing awareness of the program.

In June and November 2005, online surveys were administered to key stakeholders to determine changes in awareness and perceptions of the program. The number of respondents indicating they were familiar with Redeploy Illinois increased between June and November 2005, while the number of respondents indicating they were somewhat familiar with the program decreased.

### Service options and providers

The program offered a variety of services for participants. Specific needs were determined on a case-by-case basis. A focus group comprised of representatives from proba-

**Figure 1**  
**Second Judicial Circuit Redeploy Illinois pilot program rewards and consequences**

Program rewards	Program consequences
<b>Home</b>	<b>Home</b>
Family cohesiveness Extended curfew Overnight stay with friends Participation in extracurricular activities (school dances)	Restrictive curfew Extra chores Loss of phone privileges Threat of stay with other relatives
<b>Probation/court</b>	<b>Probation/court</b>
Positive feedback from judge/prosecutor Early discharge from home confinement, probation, or detention Probation rather than IDOC placement Reduction in required community service hours Credit for public service employment Reduction in required program-related sessions and meetings Shopping coupons Food	Detention GPS tracking Commitment to IDOC Extended probation and treatment requirements Probation violation recorded Writing assignment Removal from home Assignment to another program
<b>Other</b>	<b>Other</b>
Special activity privileges Journal writing, music Enrollment in regular classes	Suspension from school Behavior modification classes

tion, the state's attorney's office, and pre-qualified service providers identified specific needs, including IQ testing, victim mediation, follow up for the Aggression Replacement Training Program, a mentoring program for at-risk juveniles, and an outdoors program.

#### **Resource utilization**

During the evaluation period, the juvenile probation caseloads in each county of the Second Judicial Circuit varied from three to 35. The number and duration of contact between probation officers and program participants fluctuated depending on risk level and seriousness of the offense.

#### **Assessment methods**

Juveniles were assessed for program eligibility with a variety of tools that gauge the amount of risk, to himself or others, of keeping the juvenile in the community, either to himself or others. A pre-sentence investigation was prepared by the probation department to determine whether it was safe for the juvenile to remain within the community.

#### **Program impact indicators**

Evaluators used five performance indicators to determine the extent to which Redeploy Illinois is impacting juveniles and their communities in the Second Judicial Circuit. Indicators included a reduction in IDOC commitments, program impact on juveniles, their families, and victims, and services and sanctions utilization rates. Other indicators were the program's use of rewards and consequences to address violations and to motivate juveniles in their continued progress in the program, program alignment with the goal statements outlined in the Redeploy Illinois Public Act, and detention and probation utilization rate.

Data for detention and utilization rate were limited or unavailable at the time of evaluation.

#### **Reduction in IDOC commitments**

The Second Judicial Circuit averaged 41 juvenile IDOC commitments between 2001 and 2003. The projected number of IDOC commitments for March through December 2005 was 18, representing a 56 percent reduction. Based

on the circuit's Redeploy Illinois service delivery budget, 65 juveniles were projected to complete the program during the evaluation period at an estimated cost of \$4,712 per juvenile. IDOC data to confirm the projections were unavailable.

In state fiscal year 2005, courts admitted 1,563 juveniles to IDOC at a per capita annual cost of \$70,827.

#### **Program impact on juveniles, families, and victims**

The overall short-term impact of the program on the juveniles and their families was positive based on interviews with representatives from the juvenile justice system and participants' family members. The representatives surveyed and interviewed noted that victim involvement needed to be improved.

#### **Program services and sanctions**

Participants who successfully completed individualized treatment were discharged from the program. Services and sanctions were used interchangeably and were provided on a continuum from least restrictive to very restrictive services including aggression replacement training, functional family therapy, multi-systemic therapy, global positioning system tracking, residential drug treatment and psychological and psychiatric evaluation. Participants received a variety of these services based on need.

#### **Program rewards and consequences**

A variety of rewards and consequences were used within the residence of the participant by probation and court services and by schools to encourage juveniles to stay on course with the program (*Figure 1*). Participants indicated rewards and consequences used were effective during focus groups.

#### **Recommendations**

Evaluators noted that the success, sustainability, and long-term effects of the program are dependent on continued efforts to change the attitude and perceptions of those involved in the juvenile justice system, as well as the community at large, through targeted education programs. Evaluators suggested that the technology of the juvenile justice system be improved to facilitate communication and coordination between juvenile justice practitioners and the service providers. A greater investment in technology would also improve the program's ability to collect, analyze, and report data.

Evaluators acknowledged the challenge of serving all 12 counties in the Second Judicial Circuit. They recommended identifying specific needs in each county and then following up with the appropriate targeted programs and services. Evaluators also recommended continuing impact and implementation evaluation to identify areas of the program that are succeeding as well as those that require improvement or modification.

Other recommendations included targeting specific programs and services to involve the victims. For example, victim-offender conferencing should be encouraged as a part of the Second Judicial Circuit's Redeploy program. When funding allocations are made, the program should focus on victims, key stakeholders, and the community at large, as well as on the juvenile offenders.

#### **Conclusion**

After 10 months of implementation, the Redeploy Illinois program was running successfully in the Second Judicial Circuit. The program met the objectives listed in the Redeploy Illinois Public Act, implementing community based sanctions, treatment alternatives, and services for juveniles who would have otherwise been committed to IDOC or placed in secure detention. The projected reduction in IDOC commitments for 2005 should exceed the target of 25 percent or more. Additionally, the program costs were dramatically lower per juvenile than the cost of committing juveniles to IDOC.



#### **Illinois Criminal Justice Information Authority**

The Second Judicial Circuit Redeploy Illinois evaluation was conducted by Powered Performance, Inc. This summary was written by ICJIA Research Analyst Kimberly Burke.

*This project was supported by a grant awarded to the Illinois Criminal Justice Information Authority by the Illinois Department of Human Services. Opinions, findings, and conclusions contained in this document are those of the evaluators and do not necessarily represent the official position or policies of the Illinois Criminal Justice Information Authority, the Illinois Department of Human Services, or Second Judicial Circuit Redeploy Illinois program administrators.*



**What Works, Wisconsin**  
**What Science Tells Us about Cost-Effective Programs  
for Juvenile Delinquency Prevention**

A Report to the Wisconsin Governor's Juvenile Justice  
Commission  
and the Wisconsin Office of Justice Assistance

Stephen A. Small, Arthur J. Reynolds,  
Cailin O'Connor, and Siobhan M. Cooney

A joint initiative of the University of Wisconsin-Madison  
Schools of Human Ecology and Social Work, and the  
University of Wisconsin-Extension, Cooperative Extension

**June 2005**

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TABLE 1.  
Summary of Selected Effective Programs for Preventing Crime and Enhancing Well-Being

					Per Participant Costs and Benefits in \$2004		
Program	Target group/ Focus	Intensity and length	Major crime prevention impacts	Impacts linked to crime prevention	Benefits Costs	Net benefit (Benefits – Costs)	Return per \$1 invested
Primary Prevention							
Preschool Education							
Child-Parent Centers	Child/ Enrichment, Parent involvement	Part day, 1-2 years	Arrests, Incarceration up to age 24	Ed attainment Achievement Abuse & neglect	78,732 7,755	70,977	10.15
High/Scope Perry Preschool	Child/ Enrichment, Home visits	Part day, 1-2 years	Arrests, Incarceration up to age 40	Achievement Ed attainment Income	145,414 16,648 283,995 16,648	128,766 267,347	8.74 (age 27) 17.07 (age 40)
Abecedarian Project	Child/ Enrichment	Full day, 5 years	None reported	Ed attainment Achievement Mother employment	142,327 70,588	71,739	2.02
Family Support							
Nurse-Family Partnership – High risk	Parent/ Home visits	2 hrs biweekly 2-2 ½ years	Arrests up to age 15	Abuse & neglect Substance use Teen pregnancy	37,041 7,324	29,717	5.06
Strengthening Families Program 10- 14	Parent, child/ Groups	2 hrs weekly 7-14 weeks	Conduct problems	Substance use Peer pressure	6,833 874	5,959	7.82
Social-Emotional Learning							
Skills, Opportunities, and Recognition	School population/ Parent and teacher training	Consistent through primary grades	Violent behavior	School behavior Achievement Alcohol misuse	14,810 4,712	10,100	3.14
Olweus Bullying Prevention Program	School population/ Improving school environment	Consistent through school years	Vandalism, fighting, theft, and bullying	School behavior	--	--	--

Per Participant Costs and Benefits in \$2004							
Program	Target group/ Focus	Intensity and length	Major crime prevention impacts	Impacts linked to crime prevention	Benefits Costs	Net benefit (Benefits - Costs)	Return per \$1 invested
<b>Secondary Prevention</b>							
<i>Family Training</i>							
Family Effectiveness Training	Child, Family/ Training and therapy	1-1.5 hrs weekly 13 weeks	Conduct problems	Peer association Family functioning	--	--	--
<i>Social Skills Training</i>							
Positive Adolescent Choices Training	Child/ Social skills training	Unspecified	Aggression Violent behavior Arrests	None reported	--	--	--
<i>Mentoring</i>							
Big Brothers Big Sisters	Youth/ Mentoring	2-4 times monthly 12 months	Violent behavior	School behavior Achievement	4,166 4,117	59	1.01
<i>Vocational/Job Training</i>							
Job Corps	Youth/ Residential training	Full day, 4-6 months	Arrests Incarceration	Income Ed attainment Welfare use	22,883 15,804	7,079	1.45
<b>Juvenile Offender Programs</b>							
<i>Diversion</i>							
Adolescent Diversion Project	Youth/ Case mgmt, mentoring	6-8 hours per week, 18 weeks	Reduced recidivism	None reported	24,708 1,825	22,883	13.54
<i>Therapeutic Interventions</i>							
Multisystemic Therapy	Youth/ Family therapy	60 hours, 4 months	Re-arrests Out-of-home placement	Family function Mental health	15,395 5,832	9,563	2.64
Functional Family Therapy	Family/ Family therapy	8-12 hours	Re-offending Sibling delinquency	Family communication	29,111 2,197	26,914	13.25
Multidimensional Treatment Foster Care*	Youth/ Foster care with therapeutic treatment	Residential, 6-9 months	Re-arrests Subsequent days incarcerated	Hard drug use	27,460* 2,524*	24,936*	10.88*

					Per Participant Costs and Benefits in \$2004		
Program	Target group/ Focus	Intensity and length	Major crime prevention impacts	Impacts linked to crime prevention	Benefits <i>Costs</i>	Net benefit (Benefits – Costs)	Return per \$1 invested
Case Management/Multimodal Interventions							
Repeat Offender Prevention	Youth/ Case mgmt; center- and home-based services	Daily, 12-18 months	Sustained petitions for new offenses	Drug use Completion of court-ordered obligations	--	--	--
Standard Services**							
Juvenile Court	Youth/ Formal hearing, adjudication, & disposition	2-3 hearings; length of supervision varies	N/A	N/A	Average cost = 2,000	N/A	N/A
Standard probation	Youth/ Monitoring & supervision	Weekly contact, min. 12 months	N/A	N/A	Annual cost = 2,160	N/A	N/A
Juvenile Correctional Institution	Youth/ Confinement & treatment	Residential; length varies	N/A	N/A	Annual cost = 68,255	N/A	N/A

*Note:* The estimated economic benefits include actual and projected economic returns through adulthood. Estimates of both costs and benefits across studies are based on different sets of assumptions and different lengths of follow up. Estimates from the Washington State study are based on a different set of assumptions than those of the other reports.

\* Costs and benefits for Multidimensional Treatment Foster Care (TFC) are given in comparison to regular group home treatment. One year of TFC costs \$2,524 more than group home care for the average participant, and yields \$27,460 in benefits per participant, as compared to group home residents. All other program costs and benefits are stated in comparison to "no treatment."

\*\* Standard services are included in the table for the purpose of cost comparison.

**Testimony of Mr. Steve Aos  
to the Healthy Families and Communities Subcommittee  
of the Committee on Education and Labor,  
United State House of Representatives  
Tuesday, September 18, 2007**

**Evidence-Based Public Policy Options that Reduce Crime and Criminal Justice Costs**

Thank you Madam Chair and Members of the Committee. I am Steve Aos, Assistant Director of the Washington State Institute for Public Policy. The Institute I work for was created by the Washington State Legislature in 1983 to carry out non-partisan research on projects as directed by the Legislature.

I have been asked to discuss recent work we have done for the Washington State Legislature on juvenile justice issues. Since our Legislature has taken a broad view of crime and ways to reduce it, I will also broaden my remarks on the juvenile justice system to encompass our analysis of prevention programs for youth before they become involved in the juvenile justice system, and, at the other end of the age spectrum, cost-effective public policy options for adult offenders. As I discuss, we have found that all three efforts are needed if a state is to implement a long-term crime reduction strategy that uses taxpayer money efficiently.

Legislators in Washington State asked my Institute to examine a straightforward question: What works to reduce crime—and what doesn't?

They wanted us to apply rigorous standards to identify the specific "evidence-based" public policy options they could exercise. They also wanted to know whether the options could pass an economic test. That is, if an option can reduce crime, then does the program also save taxpayers more money than the option costs? Thus, the two hallmarks of our work are its explicit focus on evidence-based options and on sound economics. Washington legislators wanted to identify public policies that pass both tests.

We have published a number of reports on our work. Our October 2006 study—"Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates"—contains the full set of options we have identified to date. I will briefly summarize our findings today; the full document is available on our website: [www.wsipp.wa.gov](http://www.wsipp.wa.gov).

In short, this is what we did and what we found. We conducted a systematic review of all research evidence we could locate to identify what works, if anything, to reduce crime. We found and analyzed 571 rigorous comparison-group evaluations of adult corrections, juvenile justice, and prevention programs, most of which were conducted in the United States during the last 30 years. We then estimated the benefits and costs of many of these evidence-based options from the perspective of Washington State. That is, if

Washington were to implement any of these options, would they be beneficial to the state? Finally, we projected the degree to which alternative "portfolios" of these programs could affect future prison construction needs, criminal justice costs, and crime rates in Washington.

We found that some evidence-based programs can reduce crime, but others cannot. Per dollar of spending, a number of the successful programs produce favorable returns on investment. Public policies incorporating these options can yield positive outcomes for Washington. We then projected the long-run effects of three example portfolios of evidence-based options: a "current level" option as well as "moderate" and "aggressive" implementation portfolios.

We found that if Washington successfully implements a moderate-to-aggressive portfolio of evidence-based options, a significant level of future prison construction can be avoided, Washington taxpayers can save about two billion dollars, and crime rates can be reduced. Perhaps most significant for your hearing today, we found that several of the most cost-effective options are in the juvenile justice and prevention areas.

Before discussing our findings in a bit more detail, I want to report to you that the 2007 Washington Legislature used the Institute's findings to alter substantially the State's approach toward some criminal justice policies. The Legislature has shifted funding away from some previous efforts that have not proven successful and moved those funds toward evidence-based cost-beneficial programs. In addition to shifting funding, the 2007 Legislature also increased funding levels for some of the most economically attractive options on our list. The Legislature expects a payoff for its action: as a result of these new investments, the Legislature now expects future crime rates and criminal justice costs to be lower than they otherwise would be. In effect, Washington has placed a fiscal bet on these options and now must deliver the results for the taxpayers who pay for the programs.

As we did our research, the first thing we learned is that a coherent set of crime reduction policies must be broad in scope and be targeted at the long run. We found that it is necessary to think about a "portfolio" of public policy options if the long-term goal is to reduce crime and save taxpayers money. Thus, the strategies that we identified are in three broad public policy areas: prevention, juvenile justice, and adult corrections. We found that some well-researched prevention programs for children and their families can reduce crime down the road. We also found that several juvenile justice programs designed for youth already in the juvenile justice system are critical elements of an overall crime reduction strategy. Finally, we identified a number of effective and cost-beneficial options in the adult corrections system.

The important point from our work is this: a coherent long-term strategy involves all three elements—prevention, juvenile justice, and adult corrections. Our overall conclusion is one of good news: In the last two decades, research on what works and what doesn't has developed and, after considering the comparative economics of these options, this information can now be used to improve public resource allocation.

For the topic of this hearing in particular, we found that cost-effective prevention and juvenile justice programs are a very significant part—perhaps over half—of the solution for Washington to achieve long-term reductions in crime rates as well as net reductions in criminal justice costs. A significant way to avoid having to build adult prisons down the road is to implement evidence-based cost-beneficial prevention programs for youth and for youth in the juvenile justice system.

#### Some Specific Findings

The findings from our study center on three questions: what works to reduce crime; what are the economics of each option; and how would alternative portfolios of these options affect Washington's prison construction needs, state and local criminal justice costs, and crime rates?

I have attached an Exhibit from our October 2006 study that summarizes some of the key findings from our current systematic review of the evaluation research literature. As the Exhibit reveals, we found a number of programs that have demonstrated statistically significant reductions in crime outcomes. We also found other approaches that do not achieve a statistically significant reduction in recidivism. Thus, the first lesson from our evidence-based review is that some programs work and some do not. A direct implication from these mixed findings is that public policies that reduce crime will be ones that focus resources on effective evidence-based programming while avoiding ineffective approaches.

An example of the information provided on the attached Exhibit is the juvenile justice program called "Functional Family Therapy" (FFT). This program follows a specific training manual and approach. The FFT program, which has been implemented in Washington, involves an FFT-trained therapist working for about three months with a youth in the juvenile justice system and his or her family. The goal is to increase the likelihood that the youth will stay out of future trouble. We located and meta-analyzed seven rigorous evaluations of this program—one conducted in Washington—and find that the average FFT program with quality control can be expected to reduce a juvenile's recidivism rates by 15.9 percent.

We also wanted to know what the economics looked like for FFT. To do this we estimated benefits from two perspectives: taxpayers' and crime victims'. For example, if a program is able to achieve statistically significant reductions in recidivism rates, then taxpayers will spend less money on the criminal justice system. Similarly, if a program produces less crime, then there will be fewer crime victims. For the FFT program, we find that the program costs, on average, \$2,325 per juvenile participant. The 15.9 percent reduction in recidivism rates that we expect FFT to achieve generates about \$34,146 in life-cycle benefits, measured in terms of the taxpayer and crime victim costs that are avoided because of the reduced long-run level of criminal activity of the youth. Thus, the net present value of this juvenile justice program is expected to be \$31,821 per youth.

Bottom Line

The purpose of our legislatively directed study was to test whether evidence-based public policy options could: (a) lower the anticipated need to build new prisons, (b) reduce state and local fiscal costs of the criminal justice system, and (c) contribute to reduced crime rates.

We found that there are economically attractive evidence-based options in three areas: adult corrections programs, juvenile justice programs, and prevention. Per dollar of spending, several of the successful programs produce favorable returns on investment. Public policies incorporating these options can yield positive outcomes for Washington.

We also found that if Washington can successfully implement a moderate-to-aggressive portfolio of some of these evidence-based options, then a significant level of future prison construction can be avoided, state and local taxpayers can save about two billion dollars, and net crime rates can be lowered slightly. In particular, we found that cost-beneficial prevention and juvenile justice programs play a critical role in a long-term crime control strategy for Washington State.

Finally, as I mentioned earlier, the 2007 Washington Legislature used this information to make significant changes to the way it funds the state's prevention, juvenile justice, and adult corrections systems.

Madam Chair, this concludes my testimony.



## Reducing Crime With Evidence-Based Options: What Works, and Benefits &amp; Costs

Washington State Institute for Public Policy Estimates as of October, 2006		Effect on Crime Outcomes		Benefits and Costs (Per Participant, Net Present Value, 2006 Dollars)		
Notes:	Percent change in crime outcomes, & the number of evidence-based studies on which the estimate is based (in parentheses)	Benefits to Crime Victims		Benefits to Taxpayers	Costs	Benefits (total)
		of the reduction in crime		of the reduction in crime	marginal program cost, compared to the cost of alternative	Minus Costs
		(1)	(2)	(3)	(4)	(5)
<b>Programs for People in the Adult Offender System</b>						
	Vocational education in prison	-9.0% (4)	\$3,114	\$6,806	\$1,182	\$13,738
	Intensive supervision: treatment-oriented programs	-16.7% (11)	\$9,318	\$9,359	\$7,124	\$11,563
	General education in prison (basic education or post-secondary)	-7.0% (17)	\$6,325	\$5,306	\$962	\$10,669
	Cognitive-behavioral therapy in prison or community	-6.3% (25)	\$5,658	\$4,746	\$105	\$10,299
	Drug treatment in community	-9.3% (6)	\$5,133	\$5,495	\$574	\$10,054
	Correctional industries in prison	-5.9% (4)	\$5,360	\$4,456	\$417	\$9,439
	Drug treatment in prison (therapeutic communities or outpatient)	-5.7% (20)	\$5,133	\$4,306	\$1,604	\$7,835
	Adult drug courts	-8.0% (57)	\$4,395	\$4,705	\$4,333	\$4,767
	Employment and job training in the community	-4.3% (16)	\$2,373	\$2,388	\$400	\$4,358
	Electronic monitoring to offset jail time	0% (9)	\$0	\$0	\$870	\$870
	Sex offender treatment in prison with aftercare	-7.0% (6)	\$6,442	\$2,885	\$12,585	-\$3,258
	Intensive supervision: surveillance-oriented programs	0% (23)	\$0	\$0	\$3,747	-\$3,747
	Washington's Dangerously Mentally Ill Offender program	-20.0% (1)	\$18,020	\$15,116	n/a	n/a
	Drug treatment in jail	-4.5% (9)	\$2,481	\$2,656	n/a	n/a
	Adult boot camps	0% (22)	\$0	\$0	n/a	n/a
	Domestic violence education/cognitive-behavioral treatment	0% (9)	\$0	\$0	n/a	n/a
	Jail diversion for mentally ill offenders	0% (11)	\$0	\$0	n/a	n/a
	Life Skills education programs for adults	0% (4)	\$0	\$0	n/a	n/a
<b>Programs for Youth in the Juvenile Offender System</b>						
	Multidimensional Treatment Foster Care (v. regular group care)	-22.0% (3)	\$51,828	\$32,915	\$6,945	\$77,798
	Adolescent Diversion Project (for lower risk offenders)	-19.9% (6)	\$24,328	\$19,208	\$1,913	\$40,623
	Family Integrated Transitions	-13.0% (1)	\$30,708	\$19,502	\$9,665	\$40,545
	Functional Family Therapy on probation	-15.9% (7)	\$19,529	\$14,617	\$2,325	\$31,821
	Multisystemic Therapy	-10.5% (10)	\$12,455	\$9,622	\$4,264	\$18,213
	Aggression Replacement Training	-7.3% (4)	\$8,897	\$6,659	\$897	\$14,660
	Teen courts	-11.1% (5)	\$5,907	\$4,238	\$936	\$9,208
	Juvenile boot camp to offset institution time	0% (14)	\$0	\$0	\$6,077	\$5,077
	Juvenile sex offender treatment	-10.2% (5)	\$32,515	\$3,377	\$33,064	\$7,829
	Restorative justice for low-risk offenders	-8.7% (21)	\$4,628	\$3,320	\$880	\$7,067
	Interagency coordination programs	-2.5% (15)	\$3,084	\$2,308	\$205	\$5,186
	Juvenile drug courts	-3.5% (15)	\$4,232	\$3,167	\$2,777	\$4,522
	Regular surveillance-oriented parole (v. no parole supervision)	0% (2)	\$0	\$0	\$1,201	-\$1,201
	Juvenile intensive probation supervision programs	0% (3)	\$0	\$0	\$1,598	-\$1,598
	Juvenile wilderness challenge	0% (9)	\$0	\$0	\$3,085	-\$3,085
	Juvenile intensive parole supervision	0% (10)	\$0	\$0	\$6,460	-\$6,460
	Scared Straight	-6.8% (9)	-\$8,355	-\$6,253	\$58	-\$14,567
	Counseling/psychotherapy for juvenile offenders	-18.9% (6)	\$23,126	\$17,309	n/a	n/a
	Juvenile education programs	-17.5% (3)	\$41,181	\$26,153	n/a	n/a
	Other family-based therapy programs	-12.2% (12)	\$15,006	\$11,231	n/a	n/a
	Team Child	-10.9% (2)	\$5,759	\$4,131	n/a	n/a
	Juvenile behavior modification	-8.2% (4)	\$19,271	\$12,238	n/a	n/a
	Life skills education programs for juvenile offenders	-2.7% (3)	\$6,441	\$4,091	n/a	n/a
	Diversion progs. with services (v. regular juvenile court)	-2.7% (20)	\$1,441	\$1,034	n/a	n/a
	Juvenile cognitive-behavioral treatment	-2.5% (8)	\$3,123	\$2,337	n/a	n/a
	Court supervision vs. simple release without services	0% (8)	\$0	\$0	n/a	n/a
	Diversion programs with services (v. simple release)	0% (7)	\$0	\$0	n/a	n/a
	Juvenile intensive probation (as alternative to incarceration)	0% (5)	\$0	\$0	n/a	n/a
	Guided Group interaction	0% (4)	\$0	\$0	n/a	n/a
<b>Prevention Programs (crime reduction effects only)</b>						
	Nurse Family Partnership-Mothers	-56.2% (1)	\$11,531	\$8,161	\$5,409	\$14,283
	Nurse Family Partnership-Children	-16.4% (1)	\$8,632	\$4,922	\$733	\$12,822
	Pre-K education for low income 3 & 4 year olds	-14.2% (8)	\$3,145	\$4,644	\$593	\$12,196
	Seattle Social Development Project	-18.6% (1)	\$1,605	\$4,341	n/a	n/a
	High school graduation	-10.4% (1)	\$1,738	\$2,851	n/a	n/a
	Guiding Good Choices	-9.1% (1)	\$570	\$2,092	n/a	n/a
	Parent-Child Interaction Therapy	-3.7% (1)	\$268	\$784	n/a	n/a
<b>Program types in need of additional research &amp; development before we can conclude they do or do not reduce crime outcomes:</b>						
<b>Programs needing more research for people in the adult offender system</b>						
	Case management in the community for drug offenders	0% (13)				Findings are mixed for this broad grouping of programs.
	COCA (Faith-based supervision of sex offenders)	-22.3% (1)				Too few evaluations to date.
	Day fines (compared to standard probation)	0% (1)				Too few evaluations to date.
	Domestic violence courts	0% (2)				Too few evaluations to date.
	Faith-based programs	0% (5)				Too few evaluations to date.
	Intensive supervision of sex offenders in the community	0% (4)				Findings are mixed for this broad grouping of programs.
	Medical treatment of sex offenders	-21.4% (1)				Too few evaluations to date.
	Mixed treatment of sex offenders in the community	0% (2)				Too few evaluations to date.
	Regular parole supervision vs. no parole supervision	0% (1)				Too few evaluations to date.
	Restorative justice programs for lower risk adult offenders	0% (8)				Findings are mixed for this broad grouping of programs.
	Therapeutic community programs for mentally ill offenders	-20.8% (2)				Too few evaluations to date.
	Work release programs (from prison)	-4.3% (4)				Too few recent evaluations.
<b>Programs needing more research for youth in the juvenile offender system</b>						
	Detected Behavior Therapy	0% (1)				Too few evaluations to date.
	Increased drug testing (on parole) vs. minimal drug testing	0% (1)				Too few evaluations to date.
	Juvenile curfews	0% (1)				Too few evaluations to date.
	Juvenile day reporting	0% (2)				Too few evaluations to date.
	Juvenile jobs programs	0% (3)				Too few recent evaluations.
	Juvenile therapeutic communities	0% (1)				Too few evaluations to date.
	Mentoring in juvenile justice	0% (1)				Too few evaluations to date.



## GOVERNOR'S JUVENILE JUSTICE COMMISSION

JIM DOYLE, GOVERNOR

DEIRDRE GARTON, CHAIR

The Honorable Charles E. Schumer  
United States Senate  
Judiciary Committee  
313 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Schumer:

I was very pleased and honored to testify at the December 5, 2007, hearing of the Judiciary Committee entitled, "Reauthorization of the Juvenile Justice and Delinquency Prevention Act: Protecting Our Children and Our Communities." I truly appreciate the committee's consideration of and attention to the issues related to the reauthorization of this important statute.

Today, I am writing in response to questions you have posed to me, received December 18, 2007, as follows:

**1. Would the availability of formula grant funds to states to support pre-release planning and reentry services targeted to youth offenders be helpful to your state?**

Opportunities already exist within the formula grant program, Title II, as well as within the Juvenile Accountability Block Grants (JABG), to direct funding to pre-release planning and reentry services for youth offenders. Wisconsin has directed such funding to the Wisconsin Department of Corrections and to the Boys and Girls Club of Milwaukee for this purpose.

I would suggest caution when considering amendments that would redirect priorities within the formula grants program. It is important to support State Advisory Groups' efforts to assess and prioritize needs for the use of such funds within their own states. Therefore, I do not support more requirements from the federal government about state use of such funds given the scarcity of resources in the current federal infrastructure and federal appropriations to the states for JJDP. Without considerably more new or incentive-based federal funds to states to support JJDP work, more requirements could tie the hands of the states that are working effectively to respond to the core requirements and other JJDP priorities that they have identified. If feasible, additional, targeted funding for prerelease and reentry services could be added to a separate juvenile-focused statute, such as legislation modeled after The Place to Call Home Act, H.R. 3409 or the Second Chance Act, H.R. 1593.

**2. What role, if any, do your state's courts play in reviewing the aftercare or reentry plans of youth offenders exiting the juvenile or criminal justice systems?**

WISCONSIN OFFICE OF JUSTICE ASSISTANCE  
1 S. PINCKNEY STREET SUITE 600, MADISON, WI 53702 • (608) 266-3323 • FAX: (608) 266-6676

Wisconsin law requires that, with some exceptions, each juvenile placed outside the home (except for a juvenile placed in a secure correctional facility) have a written permanency plan that addresses a myriad of factors, including a plan describing services that will be provided to ensure the juvenile's safety, and meet the juvenile's physical, emotional, social, educational, and vocational needs. The court must review the plan six months from the date that the juvenile was first removed from the home and every six months, thereafter, for as long as the juvenile is placed outside the home (Sec. 938.38 and Sec. 48.38).

Many thanks for the opportunity to respond to your questions. Please feel free to call upon me if any additional information can be beneficial to your efforts to improve the federal response in support of state and local efforts and improvements in juvenile justice. I may be reached at 608-266-3323. You may also call upon Tara Andrews, Deputy Executive Director for Policy, at the Coalition for Juvenile Justice, a national leadership association of State Advisory Groups based in Washington, DC: 202-467-0864, ext. 109.

Sincerely,



Deirdre Wilson Garton  
Chair, The Wisconsin Governor's Juvenile Justice Commission

The Honorable Patrick Leahy  
Chairman, Judiciary Committee  
United States Senate  
224 Dirksen Senate Office Building  
Washington, DC 20510-6275

Dear Senator Leahy:

Thank you for the opportunity to testify before the Senate Judiciary Committee on December 5, 2007. Today, I am writing in response to questions you posed to me following the hearing.

**As a Chief of Police, what do you believe are some of the biggest factors that contribute to the significant number of minority children in your community who have contacts with the criminal justice system? How important is federal funding to reducing those numbers?**

As I mentioned in my testimony on December 5, 2007 youth of color are disproportionately represented at every decision making point in juvenile justice system, and this disadvantage accumulates as they move through the system.

I believe there are many factors that contribute to the significant number of minority children in your community who have contacts with the criminal justice system. I believe that young people require an environment that nourishes the value that, as citizens of this great country, we are to respect the law and be contributing members to our communities. Some of the processes that contribute to this fundamental ideal are family guidance and educational systems that provide supplemental foundation for young people to stay out of trouble. Optimally these two processes are working together to guide young people towards a productive life. Many young people get into trouble because they have not received the proper foundation in how to be a contributing member to our communities.

While there is no doubt that poverty and related issues outside the control of juvenile justice stakeholders can be a significant contributor to delinquent behavior and system involvement, focusing on the apparent pathology of these communities can not only be a distraction from effectively working to reduce youth of color involvement in the juvenile justice system, it can directly contribute to youth of color overrepresentation. For example, in juvenile justice systems throughout the nation an alarming number of youth of color who pose a low risk to community safety yet present significant social and mental health needs come into contact with the juvenile justice system. Believing there is a lack of community-based, community-run alternatives to juvenile justice system involvement; stakeholders throughout the nation over-utilize secure detention to get these youth services. When "need" and "risk" are conflated in this way, youth of color bear the brunt.

Federal funds made available through the JJDPa can be used to incentivize localities to use evidence-based practices to reduce racial and ethnic disparities by promoting community-based, community-run alternatives to secure detention.

Federal funding to reduce the overrepresentation of youth of color in the juvenile justice system is critically important. The federal and state partnership created by the JJDPDA is essential to achieving the goals of the JJDPDA with regard to reducing racial and ethnic disparities. For example, through the JJPDPA, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is mandated to carry out a number of functions intended to improve the administration of juvenile justice at the state level through. The OJJDP is authorized to provide technical and financial assistance to states to increase their capacity to reduce disparities at the local level.

Additionally, it is critical to have a central legislative mandate that sets the agenda for developing policies, objectives, priorities and plans for the administration of juvenile justice. Having centralized, national priorities are important for juvenile justice and delinquency prevention measures in all regards, but particularly with regard to youth of color involvement in the juvenile justice system. As I have mentioned previously, working to reduce racial and ethnic disparities in the juvenile justice system is difficult work. Not only are these disparities a pervasive issue that has plagued our nation for decades, the topic of race and justice itself causes discomfort and defensiveness from juvenile justice stakeholders throughout the nation. Having a clear, unified mandate from Congress regarding both the intentionality and concrete steps it takes to reduce racial and ethnic disparities in our various juvenile justice systems is essential to measurably reduce disparities and improve the lives of our young people.

Sincerely,

Richard Miranda  
Chief of Police  
Tucson, Arizona

The Honorable Edward M. Kennedy  
 United States Senate Judiciary Committee  
 224 Dirksen Senate Office Building  
 Washington, DC 20510-6275

Dear Senator Kennedy:

I was honored to testify before the Senate Judiciary Committee on December 5, 2007. Today, I am writing in response to questions you posed to me following the hearing.

**In 2003, the ACLU conducted a study of disproportionate minority confinement in my home state, Massachusetts. Their study revealed that, like the majority of states, we have a problem with overrepresentation of minority youth in the juvenile justice system. Massachusetts has begun to address the problem of disproportionate minority contact by making the reductions of the disparities a top priority.**

**We've also been working with the Annie E. Casey Foundation, which has taken the lead on developing effective solutions to the problem of disproportionate minority contact in state juvenile justice systems. Their program, the Juvenile Detention Alternatives Initiative, appears to be a promising approach to understanding and effectively dealing with disproportionate minority contact at the local level. The Casey Foundation is demonstrating that by using an evidence-based approach, local officials can decrease inmate populations and racial disparities through the appropriate use of community-based alternatives. The Initiative has had success in reducing racial disparities in Portland, Oregon and Santa Cruz County, California.**

**Massachusetts has launched two pilot sites that will implement the Juvenile Detention Alternative Initiative – one in Worcester and one in Suffolk. This is a positive step in the right direction for us and we are optimistic about the outcomes. I understand that you have also begun to implement a program to address DMC in Tucson.**

**a. What progress have you made in addressing disproportionate minority contact in your jurisdiction?**

Youth of color are overrepresented in the Pima County juvenile justice system. For example, youth of color comprise 47% of our court-aged population in Tucson, but represent 67% of youth in our detention facility.

Since 2004, my department has been participating in a collaboration of stakeholders that came together to analyze the root causes of this dynamic. Police, prosecutors, probation, public defenders, schools, community service providers, and the courts have engaged the W. Haywood Burns Institute and the Juvenile Detention Alternatives Initiative to determine if this overrepresentation is offense driven or the result of other factors. Through these collaborations, Pima County has undergone an intensive, introspective and data driven review of juvenile justice policies and practices to identify whether and to what extent overrepresentation occurs at all

juvenile justice decision making points. When policies and practices contributing to youth of color overrepresentation are identified, the collaboration strategies to develop and implement policy and practice change designed to reduce any disparities found to be associated with youths' race or ethnicity.

For example, one population driving overrepresentation in our detention population was youth who violated the terms of their probation. The Collaborative analyzed system data and found that a significant number of these youth were on probation as the result of a relatively minor offense, that the youth was deemed "low risk" to recidivate and not appear at in court, and therefore did not result in secure detention. However, when these youth violated the terms of their probation, they were securely detained. We developed two alternatives to detention programs located in communities in which the highest proportion of this youth population residence to serve as alternatives to secure detention for this low risk population. We are currently measuring the impact of these programs on youth of color system involvement.

Additionally, we are proud to report the following measurable results in reducing disproportionality:

- ♦ A decrease arrests for African American, Latino and Native American youth;
- ♦ A reduction in the average daily population in our juvenile detention facility of both African American and Native American youth; and
- ♦ A reduction in the average length of stay in our juvenile detention facility for African American, Latino and Native American youth.

Finally, we are the first police department in the country to engage in an intensive self-examination regarding law enforcement policy, practice and perception of racial and ethnic disparities in the juvenile justice system. Hopefully, with the results of the project we will develop strategies that will construct processes that put all young people on the right track to become contributing citizens of our communities and cities. There has been significant work done on this project. Specifically, we have developed the following processes:

- ♦ Developing and implementing a qualitative survey on officer attitudes about the causes of overrepresentation of youth of color;
- ♦ Mapping and analyzing decision points within the Tucson Police Department to determine where youth of color have the most contact with law enforcement;
- ♦ Measuring the impact of those decision points; and
- ♦ Comparing this information with practices within the juvenile probation department and the juvenile courts.

We are in the early phases of this work and anticipate surveying a sampling 113 of the 1100 officers in the department by the end of December 2007. From this sampling we will conduct a comprehensive examination of how the Tucson Police Department interacts with children and families in whom we come into contact or provide service. With this initial review we will be able to enhance our commitment to innovation and responsiveness to the issues and problems that face not only our community but also our nation.

The successes in Pima County's effort to reduce racial and ethnic disparities in the system would not have been possible without the specific and intentional focus on racial and ethnic disparities

and the collaboration of all traditional and non-traditional stakeholders. Currently, the JJDP's mandate around disproportionate minority contact with the juvenile justice system does not reflect the intentional focus required to effectively reduce racial and ethnic disparities in the juvenile justice system. Currently, the JJDP only requires that states "address" DMC. It does not require oversight of DMC reduction efforts, mapping of critical decision points, accurate collection of relevant data, development of work plans with measurable objectives, or regular monitoring, evaluation, and reporting.

Faced with lack of guidance, jurisdictions across the country have done little to implement evidence based practices that we know work to reduce racial and ethnic disparities. I urge Congress to strengthen the DMC requirement of the JJDP to provide more guidance regarding the intentionality required to reduce racial and ethnic disparities in the juvenile justice system.

**b. How can the federal government help encourage states to make addressing disproportionate minority contact a top priority?**

The federal government plays a critical role in encouraging states to make addressing disproportionate minority contact and reducing racial and ethnic disparities a top priority. All states' juvenile justice systems operate with distinct laws, policies and practices that affect youth people at every stage in the juvenile justice system. Thus, it is critical to have a central legislative mandate that sets the agenda for developing policies, objectives, priorities and plans for the administration of juvenile justice.

Having centralized, national priorities are important for juvenile justice and delinquency prevention measures in all regards, but particularly with regard to youth of color involvement in the juvenile justice system. As I have mentioned previously, working to reduce racial and ethnic disparities in the juvenile justice system is difficult work. Not only are these disparities a pervasive issue that has plagued our nation for decades, the topic of race and justice itself causes discomfort and defensiveness from juvenile justice stakeholders throughout the nation. Having a clear, unified mandate from Congress regarding both the intentionality and concrete steps it takes to reduce racial and ethnic disparities in our various juvenile justice systems is essential to measurably reduce disparities and improve the lives of our young people.

Moreover, the federal and state partnership created by the JJDP is essential to achieving the goals of the JJDP with regard to reducing racial and ethnic disparities. The JJDP allows traditional and nontraditional stakeholders in localities to get federal funds to do work to reduce racial and ethnic disparities. As well, through the JJDP, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is mandated to carry out a number of functions intended to improve the administration of juvenile justice at the state level through. The OJJDP is authorized to provide technical and financial assistance to states to increase their capacity to reduce disparities.



**c. Are you aware of any other programs that seek to reduce racial disparities in the juvenile justice system?**

In your question, you mentioned the successes of Juvenile Detention Alternatives Initiative (JDAI), a program of the Annie E. Casey Foundation as one program working successfully to reduce racial and ethnic disparities. Indeed, there are other organizations and programs that seek to reduce racial and ethnic disparities in the juvenile justice system, and are, in fact successful in doing so. Along with JDAI, in Pima County, we have worked with the W. Haywood Burns Institute to reduce racial and ethnic disparities.

The W. Haywood Burns Institute exists to reduce racial and ethnic disparities in the juvenile justice system. The BI model requires the active commitment and participation of the key traditional and non-traditional stakeholders in the juvenile justice system in each site -- including judges, prosecutors, public defenders, police, probation, school officials, political leaders, service providers and community groups. The BI leads these stakeholders through a data-driven process that focuses specifically and intentionally on reducing disproportionate minority confinement. The Burns Institute has learned from its work in jurisdictions that intentionality, focus and strategies that the BI provides in order to measurably reduce disproportionality. Without the BI intentionality, jurisdictions often lose momentum because of changes in stakeholders, inconsistent approaches and short attention spans.

The BI model has been successful in reducing racial and ethnic disparities in jurisdictions throughout the nation. The model includes the following components:

- Collaboration of traditional and non-traditional juvenile justice stakeholders, including community leaders of communities in which youth of color are disproportionately represented in the juvenile justice system.
- Comprehensive system policy and practice mapping to identify key decision points that are disparately impact youth of color and be contributing to disproportionality.
- Comprehensive quantitative data analysis to ascertain whether and to what extent racial and ethnic disparities exist at various juvenile justice decision making points, and what factors may be impacting those disparities.
- The development of an institutional response to analyses to ensure that data is consistently monitored and acted upon and policy and practice change recommendations to reduce racial and ethnic disparities are targeted and informed.

Based on the successes Pima County has experienced in working with JDAI and BI, it is clear that with guidance reducing racial and ethnic disparities is a solvable problem. Thus, I urge Congress to enhance the requirement within the JJDPa pertaining to reducing racial and ethnic disparities to ensure states have the guidance they need to measurably reduce disparities.

**d. What specific measures can Congress take to remedy the racial and ethnic disparities in the juvenile justice system in a meaningful way?**

I believe that there are many young people whose lives can be turned around if we put attention to the issue. We cannot arrest away our crime problems. We must be creative and innovative with our education and prevention efforts. We must have a vision for our youth to be contributing members of our communities. With that we must set goals, other than building new prisons, that contribute to the preparation and construction of firewalls that keep our kids out of jail.

Additionally, the JJDPa must be strengthened. I believe that the reauthorization of the JJDPa should require that states engage in specific approaches to address racial/ethnic disparities while maintaining public safety. The JJDPa must be specific in its federal mandate about what it takes to effectively reduce racial and ethnic disparities.

Just as we have done in Pima County, the strategy must include the collaboration of local juvenile justice stakeholders, including community leaders of communities in which youth of color are disproportionately represented in the juvenile justice system.

The strategy must include the mapping local and state juvenile justice systems to identify key decision points and how departmental policy, practice and procedure may disparately impact youth of color and be contributing to disproportionality.

The strategy must include the development and implementation of data systems that identify where racial and ethnic disparities exist in the juvenile justice system and track and analyze such disparities, using descriptors disaggregated as appropriate by race, ethnicity, gender, geography, offense, delinquency history and age.

The strategy must include the development and implementation of a work plan to reduce racial and ethnic disparities that includes measurable objectives for system change and/or policy and practice change designed to reduce any forms of bias, differential treatment of youth of color or disparity found to be associated with race and ethnicity; and

Moreover, to ensure compliance, these efforts must publicly report and progress towards measurable objectives in reducing racial and ethnic disparities must be monitored and evaluated on an annual basis.

Sincerely,

Richard Miranda  
Chief of Police  
Tucson, Arizona

The Honorable Russ Feingold  
United States Senate Judiciary Committee  
506 Hart Senate Office Building  
Washington, DC 20510-4904

Dear Senator Feingold:

I was honored to testify before the Senate Judiciary Committee on December 5, 2007. Today, I am writing in response to question you posed to me following the hearing.

**How would you respond to those who argue that using techniques that are oriented toward prevention and intervention for juvenile offenders and at-risk youth, rather than prosecuting them in adult courts and incarcerating them in adult prisons, is "soft on crime"?**

As Police Chief, I am often confronted with issues that on the surface appear solvable by using incarceration as a threat. My answer to that type of thought is you just cannot arrest away problems. Currently, our jails and prisons are beyond capacities. Therefore, we must look beyond detention and the fear of incarceration. At risk youth need mentoring, guidance and an opportunity to succeed. They will not get that in jail.

Sincerely,

Richard Miranda  
Chief of Police  
Tucson, Arizona

## SUBMISSIONS FOR THE RECORD

December 5, 2007

Testimony of Anne Marie Ambrose, Director of Child Welfare and  
Juvenile Justice Services, Pennsylvania Department of Public  
Welfare

“Reauthorization of the Juvenile Justice and Delinquency  
Prevention Act: Protecting Our Children and Our Communities”

Good morning Senators. I am Anne Marie Ambrose, the Director of Child Welfare and Juvenile Justices Services at the Office of Children Youth and Families in the Department of Public Welfare for the Commonwealth of Pennsylvania. I am also a former public defender and county administrator, having spent the past 20 years committed to improving the juvenile justice system.

Thank you for the opportunity to be here today to represent Pennsylvania as well as juvenile justice administrators and advocates on the critical importance of the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPa).

The JJDPa has been critical in supporting juvenile justice system improvement and for delinquency prevention. JJDPa requires every state to have a State Advisory Group. In Pennsylvania, the establishment of Pennsylvania’s State Advisory Group (the Juvenile Justice and Delinquency Prevention Committee) within the Pennsylvania Commission on Crime and Delinquency in 1978, has provided tremendous leadership and commitment to improving the juvenile justice system and to provide a consistent focus on delinquency prevention.

Most major Pennsylvania juvenile justice reform initiatives of the recent past have been accomplished primarily because of the strength of our State Advisory Group. Governors of both parties have appointed SAG members without regard for political

affiliation but based on experience, expertise and dedication in the field of juvenile justice. Our SAG—known as the JJDPC-- is composed of judges, probation officers, researchers, youth and victim advocates, defenders, district attorneys, practitioners, community leaders, providers and educators.

Pennsylvania thus has the best and brightest engaged in intensive discussions and planning to create a framework for juvenile justice and delinquency prevention goals for Pennsylvania youth and families.

Pennsylvania has used our federal dollars well, through the efforts of the JJDPC, by promoting public protection while protecting youth and providing them with life opportunities. Our SAG has accomplished a great deal with a relatively small amount of JJDPA funding. Additional funding would enable the SAG to continue to promote juvenile justice and delinquency prevention reform.

Pennsylvania has a proud history of full compliance with the core requirements of the JJDPA, which include: Deinstitutionalization of Status Offenders (with a particular emphasis on the special needs of girls), Jail Removal, Sight and Sound Separation, and Disproportionate Minority Contact. The Core Protections have all been longstanding goals of Pennsylvania's juvenile justice system.

We believe in the fair, humane and just treatment of all youth in the juvenile justice system. We believe that all youth have potential to be productive citizens through our juvenile justice mission of Balanced and Restorative Justice.

In the early 1990's high violent juvenile crime rates raised concerns as to the effectiveness of juvenile justice system intervention. Out of these concerns, the Pennsylvania General Assembly in 1995 passed Act 33, which amended Pennsylvania's Juvenile Act. The new law provided that, consistent with the

protection of the public interest, the purpose of the juvenile justice system is:

*"to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community."*

This new purpose clause is rooted in the philosophy of "balanced and restorative justice," which gives priority to repairing the harm done to crime victims and communities and which defines offender accountability in terms of assuming responsibility for the harm caused by his/her behavior and taking action to repair that harm to the extent possible.

In response to recommendations presented to the Governor in 1997 by the JJDPC, the Commonwealth has developed a strong juvenile justice and delinquency prevention infrastructure that has helped to make Pennsylvania a national leader in juvenile justice and delinquency prevention.

In 1998, the Committee adopted a mission statement and guiding principles for Pennsylvania's juvenile justice system in order to guide the operation of the system and shape system policy.

The JJDPC meets quarterly and submits a plan to the Governor every two years. The JJDPC Subcommittees meet quarterly as well to drive the work and make recommendations in critical priority areas such as female services, detention services, evidence-based prevention and intervention practices as well as disproportionate minority contact.

We have made considerable progress in the area of detention services. Detention is the gateway for all youth in the juvenile justice system. Detention can be a traumatic experience for a child. Evidence is clear that youth of color are detained in disproportionate numbers. Pennsylvania has created detention standards that require probation and the courts to analyze and articulate a basis for depriving youth of their freedom, only using secure detention to protect the community or assure appearance in court. Pennsylvania does not place status offenders in secure detention under any circumstances.

With a dramatic increase in the number of youth entering the juvenile justice system with mental health issues, Pennsylvania invested in a Mental Health Assessment of Youth in Detention project in 2000. By 2006 we had implemented the Massachusetts Adolescent & Youth Screen Instrument (MAYSI-2) as a screening tool in all of our 23 detention centers. The MAYSI-2 allows us an opportunity for early identification and prioritization of those youth who need continued assessment and evaluation to determine whether they can be diverted from the juvenile justice system or what kind of care is most appropriate based on their mental health needs.

In order to ensure that only those youth who pose a danger to the community or are likely not to appear in court enter secure detention, Pennsylvania has created a strong continuum of pretrial detention alternatives. This has been a good thing for youth and communities. Philadelphia, for example, has built a continuum of detention services anchored by a secure detention center that has 105 beds. That is much smaller than detention centers in cities of similar size, largely because there are other effective resources in the community and the courts are able to make wise and appropriate decisions about which youth require secure detention.

The JJDP in coordination with PCCD's Office of Juvenile Justice and Delinquency Prevention has administered federal funding under the JJDP Act to advance overall juvenile justice system improvement and for delinquency prevention.

Through the years our committee has used the goals of the JJDP and critical federal funding as a springboard for juvenile justice reform that has become a national model.

Title II funds have supported a broad range of juvenile justice and delinquency prevention projects and this has been the most stable federal funding source over the last several years.

These funds have focused on four main areas: monitoring activities to maintain compliance with the federal JJDP Act, addressing the issue of disproportionate minority contact in the juvenile justice system, implementing model delinquency prevention programs and overall juvenile justice system improvement efforts.

Title V funds under the JJDP Act were used to launch Pennsylvania's Communities That Care (CTC) Risk-Focused Prevention Initiative in 1994. CTC is still a critical prevention planning process used by many communities around the Commonwealth.

Devastating cuts in federal funding over the last few years have forced the committee to reevaluate our work and focus even more on prevention as well as on sustainability of programs.

Through the leadership of our SAG and its system partners, Pennsylvania continues to be a model for the nation in its approach to preventing and appropriately responding to delinquency. The combination of state leadership and vision with local autonomy and innovation is the strength of our system and future progress will depend on continued commitment and leadership.



Our priority areas are aligned with other states. Pennsylvania is part of the national organization of state youth service agencies called the Council of Juvenile Correctional Administrators (CJCA), which has taken the lead on providing training and support on many of the critical issues in juvenile justice today. Across the country juvenile justice leaders are working to educate elected officials and policymakers about youth development and explain that empowerment models of treatment for delinquent youth are not inconsistent with, but in fact, complement community protection. Pennsylvania is a participant and leader in those discussions on a national level to promote a more informed and systemic approach to helping youth in the juvenile justice system.

Key priority issues targeted for improvements are:

1. Evidence-Based Prevention and Intervention Practices
2. Disproportionate Minority Contact
3. Aftercare
4. Behavioral Health

Since 1998, the JJDPC has funded over 160 model prevention/intervention programs with a combination of federal and state funds.

The JJDPC has used much of its federal funding over the years to invest in evidence-based prevention/intervention programs such as Multidimensional Treatment Foster Care, Functional Family Therapy and Multisystemic Therapy.

In the absence of any good research that establishes that public safety is enhanced by prosecuting juveniles in adult court or placing them in institutions, Pennsylvania has invested in supporting youth and families in their communities.

In order to build on our current prevention efforts and build more in-state capacity, planning is underway to develop a Resource Center for Evidence-Based Prevention and Intervention Practices.

The overall purpose of the Center will be to support the proliferation of high quality and effective juvenile justice and delinquency prevention programs throughout Pennsylvania. We want to improve and promote Pennsylvania's knowledge of effective juvenile justice and delinquency prevention programs and practices by advancing recognized standards of research for determining program effectiveness.

Federal funding will support the start-up and operation of prevention or intervention programs proven to be effective, and ensure Evidence-Based Program models are implemented with fidelity and adherence to quality assurance standards. Pennsylvania's OJJDP will serve as a resource to the field. It will help implement evidence-based programming as well as support local innovative intervention programs designed to further BARJ principles.

Our SAG believes that a vital part of the overall evidence-based initiative will be increasing collaboration among all state agencies on planning and programming related to juvenile delinquency prevention and the reduction and prevention of violence by and against children.

Another key aspect is supporting providers and probation departments in documenting their activities so that programs/departments can track performance and report outcomes in a standardized way. Such reports will support research into what programs work best with which offenders.

These interventions are both cost-effective and have proven outcomes. Important resources like the Resource Center for

Evidence-Based Prevention and Intervention Practices require stable federal funding to succeed.

In 2003, JJDPC priorities became the basis for our work with the John D. and Catherine T. MacArthur Foundation's "Model for Change" Initiative.

The Foundation selected Pennsylvania as its first state to participate in the "Models for Change" initiative. Pennsylvania was chosen due to its favorable reform climate and leadership's interest in accelerating the pace of juvenile justice reform. Having a strong State Advisory Group was a key factor in Pennsylvania's selection.

The SAG—i.e., the JJDPC-- has used Pennsylvania's partnership with the MacArthur Foundation to advance its promotion of broad juvenile justice system reform in the areas of aftercare, mental health services, and disproportionate minority contact. The JJDPC has contributed dollars as well as talent to this partnership.

Pennsylvania believes in keeping children and families together whenever possible and using the least restrictive intervention necessary as required by our Juvenile Act. To that end, when youth must be placed in out-of-home care, DPW has implemented Performance-based Standards (PbS)—developed by the Council of Juvenile Correctional Administrators (CJCA) and supported by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP)-- to insure quality care in juvenile correctional facilities for youth who require secure confinement.

Pennsylvania has created a rich continuum of care for youth in the juvenile justice system. A range of options are available to place youth in the most appropriate setting based on a balanced and restorative justice framework. I am proud to say, given Pennsylvania's size, that we have only 600 or so secure placement beds. Pennsylvania continues to evaluate whether we can decrease

the use of placement and increase the use of effective community based programs, without compromising community safety. As part of this effort, Pennsylvania is using our partnership with MacArthur to create assessment and evaluation tools that are based on the individual needs and strengths of each youth involved in the juvenile justice system.

Another major initiative in Pennsylvania is developing a comprehensive aftercare system. Stakeholders in the juvenile justice system as well as others in related systems are working together to develop a model aftercare system for youth leaving delinquency placements. Our SAG has contributed federal dollars to this effort, which is also supported by the MacArthur Foundation.

A comprehensive approach to aftercare will ensure that youth receive timely and appropriate social support in such areas as:

- Enrolling immediately in school or have a job waiting for them.
- Continuing the follow-up services that are required for those who received physical or behavioral health treatment while in care.
- Having strong adult support from family or other caring adults.
- Having sufficient attention paid to developing their skills while in care so that they can successfully return to their home and community.
- And ensuring that all youth offenders understand and acknowledge the wrongfulness of their actions and the

impact of their crimes on the crime victim and the community. Each child must recognize his or her responsibility for causing harm.

It is important that returning juveniles who need to continue their treatment in the community have access to a continuum of services that have been demonstrated to be effective. Effective re-entry planning—which should begin *before* youth enter placement-- is crucial if they are to benefit from residential treatment programs and successfully return home. It is also a key element in promoting public safety and recidivism.

I think we can all agree that it would be ideal if we could prevent youth from entering the juvenile justice system in the first place. In meeting its public safety responsibilities, Pennsylvania's juvenile justice system has turned away from a purely reactive approach to delinquency, in favor of one that focuses on creating conditions and programs that promote positive development for all young people and prevent delinquency from occurring at all.

To those ends, the Department of Public Welfare has created an Integrated Children's Services Plan to bring together all child-serving systems in an effort to make appropriate planning decisions. The juvenile justice system should only be for youth who pose a risk to the community and require ongoing court supervision. Education, mental health, and families-- all working together with juvenile probation-- can identify appropriate diversion resources to meet the mandates of Balanced and Restorative Justice. Federal funding is needed to stabilize and expand this innovative practice.

Pennsylvania's SAG—the JJDPC—has helped to create a model juvenile justice system. In 2005, of 45,504 delinquent dispositions, only 3487 youth are placed in out of home care.

Much of our good work has been built around the core protections for children found in the JJDP. Those protections should be maintained and strengthened through JJDP reauthorization. Pennsylvania's work, like that of other states, has been made increasingly difficult because of significant cuts in federal justice funding. While Title II formula grants have remained relatively constant, there have been significant cuts to Title V prevention dollars and to specialized initiatives. There have been significant cuts to other federal funding streams—such as Justice Assistance Grants and Juvenile Accountability Block Grants-- that our SAG has used to leverage JJDP dollars.

This is particularly true in the area of racial and ethnic disparities. The most recent data from the justice department reveals that youth of color represent two thirds of all incarcerated youth. Studies also reveal that racial and ethnic disparities in the juvenile justice system cannot be explained by offenses only.

Indeed, there are promising approaches that are tackling racial and ethnic disparities in several jurisdictions across the country with promising results. Congress should encourage, incentivize and strengthen those approaches by assuring accountability for this core mandate by requiring measurable results.

Despite the significant decrease in funding through OJJDP over the years, the federal office must have a critical role in advancing juvenile justice reform.

OJJDP should be charged with not only holding states accountable for adhering to the goals of the JJDP but for providing technical assistance to states in order to achieve those goals. Incentive funding should also be made available for states that are able to demonstrate the ability to create innovative and effective local initiatives that provide treatment to youth involved in the juvenile justice system while keeping communities safe.

OJJDP should be responsible for measuring outcomes in states that receive federal funding. OJJDP was once a leader in providing research to the field; that role has become attenuated since the late 1990s.

I hope that I have been able to communicate the critical importance of reauthorization of the JJDP. It has helped create a synergy in Pennsylvania's juvenile justice system that recognizes the need to provide the opportunity for redemption for our troubled youth while valuing the importance of community protection and the community's critical role in achieving youth redemption.

Our reform efforts would not have been possible without federal funding that was available over the last several years.

In order to sustain our progress and continue to make critical investments in prevention, including evidence-based programs, the Act must be reauthorized with its core protections in place; and JJDP and other federal funding streams should have additional funds that can be targeted to important federal and state goals.

Thank you for the opportunity to address you on this very important issue. I encourage Congress to not only support but also strengthen the JJDP. JJDP has been the most important statement of national juvenile justice policy during my 20 years in the field. It establishes important values while giving states great flexibility to respond to their unique needs. Pennsylvania has shown that a comparatively small amount of funding can provide enormous leverage, further good values and allow states to keep communities safe while supporting youth redemption.

I am happy to answer any questions you might have regarding my testimony.

**Statement of Shay Bilchik  
Founder and Director, Center for Juvenile Justice Reform,  
Georgetown University Public Policy Institute**

**Before the U.S. Senate Judiciary Committee**

**“The Juvenile Justice and Delinquency Prevention Act:  
Protecting Our Children and Our Communities”**

**December 5, 2007**

Today, I am here to present testimony on “The Juvenile Justice and Delinquency Prevention Act: Protecting Our Children and Our Communities.” I am Shay Bilchik, founder and Director of the Center for Juvenile Justice Reform at the Georgetown University Public Policy Institute. Prior to my current position, I served as President and CEO of the Child Welfare League of America, the oldest and largest association of agencies that directly help abused, neglected, and otherwise vulnerable children and their families. Prior to my tenure at CWLA, I served as the Administrator of the Office of Juvenile Justice and Delinquency Prevention (“OJJDP”) at the U.S. Department of Justice. OJJDP is the agency established by the JJDP Act to lead the effort to address the public safety issues of juvenile crime and youth victimization. Thank you Mr. Chairman and Members of the Senate Judiciary Committee for the opportunity to speak to you about this important piece of legislation and the critical issues it addresses.

Let me begin by noting that the focus of my testimony today will be on those youth<sup>1</sup> whose behavior has brought them to the attention of the justice system and not on children and youth who are victims of abuse, neglect, or exploitation. While OJJDP has a significant role in preventing and ameliorating child and youth victimization, and has maintained an effective focus on this area, that focus has not been maintained on youth whose behavior may lead to dysfunctional development and adult criminality.

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<sup>1</sup> The term “youth” is used in this testimony to describe an individual under the chronological age of 18 years.



## OVERVIEW OF JUVENILE OFFENDING

Therefore, I would like to begin my testimony with an overview of the juvenile offending landscape since the last reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP A) in 2002 -- and in the previous decade. It is a landscape that has dramatically changed.

First, juvenile crime has decreased substantially over this time period. Today, youth crime and delinquency in the United States remain near the lowest levels seen in the past three decades. The recent data show a dramatic reduction in the rate and seriousness of juvenile delinquency over the past ten to twelve years, contrary to the dire predictions of many "experts," whose ominous warnings of a coming generation of "super-predators" shocked many state legislators into abandoning the core principles that have guided this nation's juvenile justice system(s) for the last century. Those principles, separating delinquent juveniles from hardened criminals, treating youth as developmentally different from adults, and viewing young people as being inherently malleable and subject to positive change in a rehabilitative setting, are still fundamentally sound.

Although some reports show a slight upswing in reported arrests of youth for violent crime recently, it was not a uniform increase across all categories of offending (and it may be aberrational rather than the beginning of a trend). However, youth crime and delinquency in the United States still remain at record low levels, with current juvenile arrest rates lower than any level recorded since the 1980s. Nationwide, law enforcement agencies arrest approximately 2.2 million persons under the age of 18 each year, yet in nearly half of all cases the most serious charges are larceny-theft, simple assault, a drug abuse/liquor law violation, or disorderly conduct. According to Federal Bureau of Investigation (FBI) crime statistics, juvenile arrests for serious offenses such as rape and murder comprise just 5% of all juvenile arrests. Yet we should

see the recent uptick in juvenile arrests as a possible warning that we cannot safely continue to reduce our commitment to effective programming for at-risk and system involved juveniles if we are to sustain our progress and provide services at a level needed to give every youth the chance to succeed and become a productive and law-aiding citizen.

#### CHALLENGES TO THE JUVENILE JUSTICE SYSTEM

Second, we continue to face challenges in juvenile justice such as the over-reliance on detention and incarceration as a response to juvenile crime; the continued detention of status offenders despite federal prohibitions; pervasive racial disparities in the justice system; and the increased placement of children at risk of abuse, sexual assault and suicide in adult jails despite the JJDP's original intentions.

Every year, juvenile courts handle an estimated 1.6 million delinquency cases and adjudicate youth delinquent in nearly 7 of every 10 petitioned cases. The daily census of youth under age 18 who are incarcerated is 97,000. Many youth who are confined have committed non-violent offenses and are highly amenable to the benefits of rehabilitative services and supports provided in non-institutional home and community-based settings. Juveniles coming before the courts have been shown to suffer from a higher than average incidence of mental or behavioral health problems, learning disabilities, and school failure and to have inadequately addressed family intervention and support needs. Moreover, for more than two decades, state-level data have shown that youth of color have been overrepresented at every stage of the juvenile justice system. In fact, research indicates that youth of color are detained more often and for longer periods of time than their white counterparts even when charged with similar offenses.

Additionally, some researchers estimate as many as 200,000 youth have their cases processed in adult criminal court each year as a result of prosecutorial or judicial waiver, statutory exclusion for certain offense categories, or because they reside in one of 13 states with a lower age of criminal jurisdiction than age 18 (age 16 in 3 states and age 17 in 10 states). As a result of increased prosecution of youth in adult criminal courts in the states, the number of youth in adult jails has increased so that, on any given day, an estimated 7,500 youth under the age of 18 are inmates in adult jails. Most of these youth are not under the jurisdiction of the juvenile court, so they are not covered by the federal protections of the JJDP.<sup>2</sup>

#### NEW KNOWLEDGE ABOUT WHAT WORKS

Third, since the last reauthorization of the Juvenile Justice and Delinquency Prevention Act, we have learned a tremendous amount about what works to prevent and reduce juvenile delinquency. From the growing body of research on child and youth development, the development of the adolescent brain, and effective programs and practice, we now have more evidence about what works in turning these young lives around and correcting their behavior than we did a decade ago. Additionally, we have increasingly recognized the importance of evaluating programs in order to enhance their effectiveness and foster replication. Reauthorizing the JJDP at this time affords us the opportunity to use and build on this knowledge to create greater justice for youth, and to make our communities safer and healthier.

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<sup>2</sup> While the term youth is synonymous with the term juvenile (under age 18) when discussing arrest statistics, the separation of juveniles from adult offenders provision of the JJDP does not apply to juveniles under the jurisdiction of the adult criminal court and the adult jail and lock-up removal provision of the JJDP does not apply to individuals who are not juveniles under state law, i.e. individuals who may not be subjected to original juvenile court delinquency jurisdiction based on age and offense limitations established by state law. Thus, 16 and 17 year olds who are classified as "adults" in the 13 states that have an original juvenile court jurisdictional age that is less than 18 do not receive the protection of the adult jail and lock-up removal provisions of the Act.

In October of 2004, the National Institutes of Health (NIH) convened an independent “state-of-the-science” panel to address the important issues of preventing violence and related health-risking social behaviors in adolescents. The panel, which consisted of thirteen distinguished experts from a variety of disciplines and was charged with assessing the available evidence on preventing violence and other risky behaviors on the part of adolescents, released a report that same month summarizing its assessment of the current research. The report is of significant importance to all those who make policy governing juvenile programs. It concluded that “a number of intervention programs have been demonstrated to be effective through randomized controlled trials” and it spotlighted two particular programs that it found are clearly effective in reducing arrests and out-of-home placements: Functional Family Therapy and Multisystemic Therapy. Among the significant characteristics that these two programs have in common are a focus on developing social competency skills, a long-term approach rather than a “simple” short-term “fix,” and the involvement of the family as well as the youth in the program. The two programs maintained positive results for nearly four years after the treatment ended. Several other programs were identified that were classified as “effective with reservation,” meaning that they had only internal rather than external randomized controlled trials: Big Brothers Big Sisters (reductions in hitting), Multidimensional Treatment Foster Care, Nurse Family Partnership (reduction in incarceration), Project Towards No Drug Abuse (reduction in weapon carrying), Promoting Alternative Thinking Strategies (reduction in peer aggression), and Brief Strategic Family Therapy (reduction in conduct disorder, socialized aggression). The Evidence Report/Technology Assessment accompanying the panel’s conclusions contained the most extensive bibliography as of October, 2004, of the existing literature on violence prevention and treatment along with a useful analysis of the studies and programs.

The work of the NIH panel complemented and reinforced the Blueprint Series on effective programs developed by Dr. Delbert Elliott, in which he and a team of researchers identified 11 “gold standard” delinquency prevention and intervention programs.

Programs that connect children to caring adults and provide constructive activities, especially during the after-school hours of 3:00pm to 6:00pm—the “prime time for juvenile crime” on school days—are among our most powerful tools for preventing crime. For example, a study compared five housing projects without Boys & Girls Clubs to five receiving new clubs. At the beginning, drug activity and vandalism were the same. But by the time the study ended, the projects without the programs had 50 percent more vandalism and scored 37 percent worse on drug activity. Similarly, a study of another quality youth development program, Big Brothers Big Sisters, found that young people who were randomly assigned to a Big Brother or Big Sister mentor were about half as likely to begin illegal drug use and nearly one third less likely to hit someone compared to those who were assigned to a waiting list.

#### FEDERAL SUPPORT FOR EFFECTIVE PROGRAMS IS LACKING

These effective programs work with our young people to strengthen them individually and in the places in their lives that they “nest” – their families, schools, communities and peer group.

Unfortunately, the programs and approaches that we know work to prevent and reduce juvenile delinquency lack adequate federal, state, and local support needed to fully demonstrate their worth and develop fully. The Title V Incentive Grants for Local Delinquency Prevention Programs, commonly known as the Community Prevention Grants program, is the only federal funding source dedicated solely to the prevention of youth delinquency, crime, and violence.

Established by the 1992 amendments to the JJDPJA and reauthorized in 2002, Title V is a grant program designed to fund collaborative, comprehensive, community-based delinquency prevention efforts to reach young people before they make a choice that puts them on the wrong path in life. The grants can be used to fund a wide range of programs, including after-school activities, mentoring, and tutoring, as well as drop-out, gang, and substance abuse prevention. In order for communities to qualify for funding they must engage in a data driven process, led by community stakeholders, to determine the nature of the delinquency problem (risk factors) facing their community and the most effective strategies (reducing risk – enhancing protective factors) to attack those problems. Those communities must also match the federal investment in support of their strategy, thereby creating a stronger commitment to their work and a higher level of investment.

Prevention activities, such as those supported by Title V, have been so woefully underfunded in recent years that they can reach only a fraction of the youth who would benefit from them. For example, because of lack of funding for after-school programs, more than 14 million children and teens go home from school to an empty house each week. Research shows that these children are much more likely to drink, smoke, use drugs, commit a crime, and become a victim of a crime.

As recently as Fiscal Year 2002, Title V was funded at \$95 million. In FY07, Title V received \$64 million, part of an alarming downward trend in congressional support for prevention. For FY08, the Administration's budget proposes to eliminate Title V funding and create a new "Child Safety and Juvenile Justice Block Grant," with 25% less funding than the set of programs it replaces. I suggest an alternative strategy: as an evidence-based approach to preventing delinquency, the Title V program should be reauthorized and enhanced as a federal,

state, and local partnership. And I would urge the members of this committee to work with appropriators to substantially invest in new, unearmarked resources into this program at a minimum level of \$100 million annually.

#### NEW KNOWLEDGE ABOUT WHAT DOESN'T WORK

In addition to gleaning new knowledge about what works, we have also learned a great deal since the last JJDPA Reauthorization about what does not work. The NIH independent panel I mentioned earlier concluded that "get tough" programs that rely on "scare tactics" for the purpose of preventing children and adolescents from engaging in violent behavior are not only ineffective, but may actually make the problem worse.

The panel found that many residential "get tough" programs, including group detention centers, boot camps and other similar residential programs, often exacerbate existing problems among adolescent youth by grouping together those with delinquent tendencies, where "the more sophisticated instruct the more naïve." Similarly, it concluded that the practice of transferring increasing numbers of juveniles to the adult criminal justice system also can be counterproductive, resulting in greater violence among incarcerated youth and increased recidivism when they are ultimately released. I would urge the committee to bar the use of federal funds for boot camps and other types of programs that have been proven to be ineffective at reducing juvenile crime under the JJDPA.

#### WORKFORCE DEVELOPMENT AND TRAINING FOR JUVENILE JUSTICE PERSONNEL

There is another area of focus that has yet to receive sufficient attention within the JJDPA: the juvenile justice workforce. It is this workforce that carries out the intent of the

JJDPA and the work undertaken each day with our youth in the system. It is a group of dedicated, but too frequently poorly supported workers – intake, caseworker, court, probation and parole, detention and correctional facility, legal, and judicial staff. This workforce is spread across public and private agencies (the private agencies being ones that contract with states and localities to carry out the state and local public agencies' responsibilities). We have seen a poor track record in the recruitment and retention of this staff, similar to what we have seen in other child serving areas, e.g. child welfare. They too often are paid too little, inadequately trained, given too few of the tools they need to do their work, poorly supervised and given extraordinarily high workloads. Efforts need to be made through the JJDPA to further professionalize this workforce. This can be done through adoption of a provision that requires OJJDP to develop programming that supports workforce development in partnership with the states, as is done in child welfare through Title IV-E. This would allow for the development of State Agency/university partnerships to be partially federally supported in providing entry level and in service training for juvenile justice staff. It would also allow for recruitment partnerships between state agencies and universities to help identify and support the development of a career track for students interested in working with youth and families involved in the juvenile justice system. This career track would include internship experience and tuition subsidies for any student who commits to work in a juvenile justice agency within the state for a minimum period of time. Time and again we hear from young people in the juvenile justice system who succeed in turning away from crime, that what made the difference was a connection to a person in the system – a caseworker, probation officer, lawyer, or judge, who had a profound impact on their life. It is this workforce, plagued by heavy workloads and high turnover rates, that needs to be better supported to do its life changing work. When we think of the severe problems plaguing



the juvenile correctional system, e.g. in Texas, California and Indiana, we can better understand how strengthening the workforce is a key strategy to safeguarding our youth.

In sum, much progress has been made and much work remains to be done. It is my belief that the continuing success of effective juvenile crime prevention and control depends in part on Congress strengthening the provisions of the JJDPa as well as enhancing the funding resources needed to implement these provisions to the greatest possible extent.

#### STRENGTHENING THE ACT'S KEY PROVISIONS

Next, I'd like to discuss the JJDPa's main components. Established in 1974 and most recently authorized in 2002 with bipartisan support, the Act provides (1) a nationwide juvenile justice planning and advisory system spanning all states, territories, and the District of Columbia; (2) federal funding for delinquency prevention, control, and improvements in state, local, and tribal juvenile justice programs and practices; and (3) operation of a federal agency - the Office of Juvenile Justice and Delinquency Prevention - dedicated to providing training and technical assistance, information resources, developing and replicating model programs, and conducting research and evaluation to support state, local, and tribal efforts.

The JJDPa has contributed greatly to the prevention of delinquency, to early intervention and graduated sanctions to treat delinquent behavior and rehabilitate delinquent youth so as to prevent further delinquency, and to ensuring humane treatment of these young people in the justice system. Based on a broad consensus that children, youth, and families involved with the juvenile and criminal justice systems should be protected by federal standards for care and custody, while also upholding the interests of community safety and the prevention of

victimization, the Act remains the best possible federal vehicle for protecting society from antisocial behavior by children and adolescents and for enabling these youth to become good citizens and successful adults.

#### STRENGTHENING THE CORE PROTECTONS

In exchange for the receipt of federal funding under the JJDPa, states must comply with four "core protections" under the Act: 1) Deinstitutionalization of Status Offenders (DSO); 2) Removal of juvenile offenders and non-offenders from Adult Jails and Lock-Ups; 3) Sight and Sound Separation of juveniles from adults in institutions; and 4) Addressing Disproportionate Minority Contact (DMC).

##### Deinstitutionalization

Under the JJDPa, status offenses are defined as offenses that only apply to minors whose actions would not be considered offenses for adults, such as skipping school, running away, curfew violations, beyond parental control, and possession or use of tobacco or alcohol. The JJDPa's "Deinstitutionalization of Status Offenders" (DSO) protection provides that status offenders may not be held in secure detention or confinement. There are, however, several exceptions to this rule, including allowing status offenders to be detained for up to 24 hours, exclusive of non-judicial days in certain circumstances. The DSO provision seeks to ensure that status offenders, because they have not committed a criminal offense, are not held in secure juvenile detention or correctional facilities for extended periods of time or in secure adult facilities for any length of time. These youth, instead, should receive community-based services, such as day treatment or residential home treatment, counseling, mentoring, family support and alternative education.

The valid court order exception (VCO) to the DSO protection was added to the JJDPa in the 1980 reauthorization and allows judges to detain status offenders who violate a valid court order. A one day snapshot of juveniles in detention found that roughly 5% were status offenders.<sup>3</sup> Despite the DSO protection, status offenders continue to be detained in secure facilities under the 24 hour exception -- and many more are now detained under the VCO exception.<sup>4</sup> While done with the intention to protect children who are experiencing periods of crisis in their lives, the detention of these young people has the effect of criminalizing their behavior and can actually cause them great harm. Further complicating their experience with the juvenile justice system is that status offenders often do not have access to the due process protections provided to other offenders, including the right to counsel, written notice of charges, cross examination, privilege against self-incrimination, and appellate review<sup>5</sup>, and they may lack access to needed services. In addition, girls are disproportionately affected by the DSO exceptions. Girls are 170% more likely to be arrested for status offenses than boys and receive more severe punishment than boys. Criminalization of status offenses through the VCO and 24-hour exceptions may contribute to the increasing numbers of girls in the criminal justice system.<sup>6</sup>

In establishing the DSO protection, Congress recognized that status offenses are non-delinquent and non-criminal and, therefore, merit a non-punitive response. While we have drifted from this stated purpose through the routine use of the VCO exception in some states, many states no longer allow or have never exercised the VCO exception. Judges in these states are able to effectively and proactively manage status offenders. They recognize that detaining

<sup>3</sup> Office of Juvenile Justice and Delinquency Prevention. U.S. Department of Justice, Juvenile Offenders and Victims: 2006 National Report, Washington, DC, 2006.

<sup>4</sup> 42 U.S.C. § 5633 (a)(11)(A) 2006.

<sup>5</sup> Humphrey, *supra* note 4 at 168.

<sup>6</sup> Susanna Zawacki, "Girls Involvement in Pennsylvania's Juvenile Justice System," Pennsylvania Juvenile Justice Statistical Bulletin, Oct. 2005 at 1.

status offenders is more costly and less effective than home and community-based responses and has severe consequences. Placing youth who have committed status offenses in secure detention and confinement is stigmatizing, exposes them to negative influences, and counters the goal of rehabilitation. The practice interrupts educational progress, relationships with positive peers, family, caring adults, and often undercuts job training and employment opportunities. Feelings of social isolation and a sense of hopelessness are exacerbated, not reduced during detention and confinement -- in essence making it more likely that a young person will feel alienated.

Common sense and research tells us that detention and confinement are not positive approaches to status offending behavior. Status offenses are most often committed in response to underlying problems. It is those issues that need to be addressed and they are best addressed with services delivered within the child's home or in a community-based program that maintains as much stability in a child's life as possible. I recommend that in the reauthorization of the JJDP Act Congress takes steps to reduce the unnecessary and inappropriate detention of status offenders by eliminating the VCO exception so that status offenders are no longer detained and confined. This provision could be phased in over two years. The Act should also limit, where possible, the over use of the 24-hour detention exception by promoting effective approaches such as the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative.

#### Adult Jail and Lock-up Removal

Another critical issue that Congress needs to address in reauthorizing the JJDP Act is the increasing number of youth in adult jails and lock-ups. The original intent of the JJDP Act was to shield children from the dangers of adult jails and lock-ups by separating them from adults. Because this often resulted in juveniles being placed in isolation cells and drunk tanks, Congress ultimately mandated removing them from adult jails and lock-ups altogether in the 1980

amendments to the Act. Under the “Adult Jail and Lock-up Removal” protection of the Act, juveniles cannot be detained in adult jails except in limited situations, and in those narrow circumstances the “Sight and Sound Separation” protection prohibits contact with adult offenders.

While the “Jail Removal” protection has worked to keep youth out of jails for almost 30 years, this JJDPa protection does not apply to youth under the jurisdiction of the adult criminal court. Currently, forty states have laws that allow youth prosecuted in adult criminal courts to be detained in adult jails and lock-ups.<sup>7</sup>

As a result, thousands of youth are in adult jails on any given day who are not covered by federal protections originally designed to keep youth out of adult jails and lock-ups.<sup>8</sup> Specifically, the statistics reveal that every day in America, an average of 7,500 youth are detained in adult jails alone. In fact, the number of youth who are placed in adult jails every year could be even higher – tens of thousands of young people according to some researchers – to account for the ‘turnover’ in adult jail populations. As many as one-half of these youth, will be sent back to the juvenile justice system or not be convicted. Yet, most of these youth will have spent at least one month in an adult jail and one in five of these youth will have spent over six months in an adult jail. And we know that it is extremely difficult to keep youth safe in adult jails.

When youth are placed with adults in adult jails, they are at high risk of physical and sexual assault. According to the Bureau of Justice Statistics, 21% and 13% of all substantiated victims of inmate-on-inmate sexual violence in jails in 2005 and 2006, respectively, were youth under the age of 18 (surprisingly high since only 1% of jail inmates are juveniles).

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<sup>7</sup> National Center for Juvenile Justice, October 2005, Vol. 8, No. 10, pp. 3.

<sup>8</sup> For the full report, please visit [http://www.campaignforyouthjustice.org/national\\_reports.html](http://www.campaignforyouthjustice.org/national_reports.html)

Some jail administrators will separate youth from adults in jails and lock-ups, but this practice is inadequate. While separating children from adults in adult jails and lock-ups will reduce contact with adults that could result in physical or emotional harm to children, as I noted, these children are then often placed in isolation and frequently locked down 23 hours a day in small cells with no natural light. These conditions can cause anxiety, paranoia, and exacerbate existing mental disorders, thereby putting youth at high risk of suicide. Youth have the highest suicide rates of all inmates in jails. Youth are 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility, and 19 times more likely to commit suicide in an adult jail than youth in the general population.

Jail officials, as well meaning and caring as they might be, are simply not equipped to protect youth from the dangers of adult jails and lock-ups. Nor do jails and lock-ups have the capacity to provide necessary educational or other services.

New scientific evidence underscores the need to return to the original intent of the JJDP Act by ensuring that children are not placed in adult jails. This evidence is detailed in a new report, "Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services" released just last week from the Centers for Disease Control and Prevention ("CDC") revealing that youth are 34% more likely to reoffend when transferred to the adult criminal court than youth in the juvenile justice system. The CDC scientists who conducted this study reported that violent outcomes associated with the transfer of youth to the adult system include (1) an increase in pretrial violence, (2) victimization of juveniles in adult facilities, and (3) elevated suicide rates for juveniles incarcerated in adult facilities.

While the original intent of the JJDPa and subsequent reauthorizations was to keep children away from the dangers of adult jails and lock-ups, the protection does not apply to youth under age 18 who are not subject to a state's juvenile delinquency court jurisdiction (they are classified as adults) or to juveniles who are subject to delinquency court jurisdiction but are under the jurisdiction of the adult criminal court.. When the JJDPa was originally authorized in 1974 and reauthorized in 1980, Congress did not contemplate the increases in the numbers of youth prosecuted in the adult criminal justice system and their resulting placement in adult jails and lockups outside the protections of the JJDPa. Congress can redress this problem by extending the protections of the JJDPa to prohibit the placement of all individuals under the age of 18 in adult jails and lock-ups during the pendency of their adult criminal court cases. Such a prohibition would recognize the fact that nearly half of the youth who are prosecuted in adult criminal courts by state transfer or waiver statutes are neither convicted nor sentenced as adult offenders and would better provide for their safety and future rehabilitation if convicted.

#### Disproportionate Minority Contact

A fourth core protection is the "Disproportionate Minority Contact" (DMC) protection. In the late 1980s, research showing that youth of color come into disproportionate contact with the juvenile justice system led to the development of a core protection designed to reduce disproportionate contact of youth of color with the justice system.

Under the JJDPa's current language, states are required to assess and address the disproportionate contact of youth of color at all points in the juvenile justice system- from the moment of arrest to detention to confinement.

Unfortunately, this language has proven inadequate to reduce racial and ethnic disparities in a meaningful way because it does not require states to take specific steps to reduce racial and

ethnic disparities, nor does it require oversight of such reduction efforts, mapping of critical decision points, accurate collection of relevant data, development of work plans with measurable objectives, or regular monitoring, evaluation, and reporting. The vague requirement that states “address” efforts to reduce DMC has left state and local officials without a clear mandate or guidance for reducing racial and ethnic disparities.

And yet, the data are compelling and demonstrate that youth of color are treated more harshly than similarly situated White youth, even when charged with the same category of offense. While White youth represented 73% of youth adjudicated delinquent for drug offenses, they represented only 58% of youth sent away to residential placement, while African Americans, who represented 25% of the youth adjudicated delinquent for drug offenses, were 40% of the youth sent away from their families to residential placement.<sup>9</sup> Meanwhile, White youth represented 75% of the youth on probation for drug offenses, while African American youth were 22% of those on probation.<sup>10</sup> Of juvenile males in residential custody in 2003, African Americans were incarcerated at a rate of 1278 per 100,000 in the general population, Latinos were incarcerated at a rate of 600 per 100,000 in the population, and Native Americans were incarcerated at a rate of 774 per 100,000. The rate for White male juveniles was 305 per 100,000.<sup>11</sup> These disparities remain when the studies control for prior histories.

When racial or ethnic differences are found, they tend to accumulate as youth are processed through the system. For example, in a recently released report, “And Justice For Some” by the National Council on Crime and Delinquency, the findings show that African American youth face an “accumulated disadvantage.” African American youth represent 16% of the youth population, 28% of juvenile arrests, 30% of referrals to juvenile court, 37% of detained

<sup>9</sup> National Council on Crime and Delinquency, *And Justice for Some*, January 2007, p. 21.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 25.



youth, 34% of youth formally processed in juvenile court, 30% of adjudicated youth, 35% of youth judicially waived to adult court, 38% of youth in residential placement, and 58% of youth admitted to state adult prison.

Moreover, while most states have been able to collect reasonably uniform and accurate information about youth who are held in detention and secure confinement, the same cannot be said for data at earlier points in the process, such as the initial contact that youth have with law enforcement.<sup>12</sup> In many states and jurisdictions there are no accurate data to track Hispanic or Latino youth in the juvenile justice system. Many public officials and agency administrators cannot gauge the extent of overrepresentation of Latino youth because their data systems do not count them accurately. Many jurisdictions ask one question about youths' race and ethnicity: whether someone is White, African American, Latino, Native American, Asian or Other. Some ask only whether someone is White, Black or Other. Latino youth and their families, faced with the choice between reporting their race or their ethnicity, often choose to report their race. Consequently, Latino youth become an undercounted "invisible minority," and disparities appear smaller than they really are.<sup>13</sup> Such discrepancies and "invisibility" also pertain to youth who may be of mixed race/ethnicity.

Jurisdictions can, however, more effectively reduce disparities with focused, informed, data-driven strategies.<sup>14</sup> At present there are several major national initiatives that are assisting states in making progress in reducing racial disparities: the Burns Institute, the MacArthur Foundation's Models for Change Initiative; the Center for Children's Law and Policy; and the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI). The Annie E.

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<sup>12</sup> *Id.*

<sup>13</sup> Francisco A. Villarruel, Nancy Walker, et al., ¿Dónde Está la Justicia? A call to action on behalf of Latino and Latina youth in the U.S. justice system, July 2002, p. 5-7.

<sup>14</sup> W. Haywood Burns Institute, <http://www.burnsinstitute.org/reducing.html>.

Casey Foundation has worked with several states and many localities to reduce the use of secure placements through the judicious use of objective assessment instruments to determine which juveniles need to be detained while awaiting an adjudicatory hearing, either because they are high risks for flight or for re-offending if they remain in the community. Because youth of color tend to be detained in disproportionate numbers, these new strategies also help to address DMC issues.

I recommend that the JJDPa be strengthened in this reauthorization to enhance both the requirements within the DMC provision and the level of support provided by the Office of Juvenile Justice and Delinquency Prevention to assist states in addressing DMC.

#### A NEW FOCUS ON MENTAL HEALTH SERVICES AND CHILD VICTIMIZATION

In addition to focusing on the four core protections of the JJDPa, another issue Congress should address in this Reauthorization of the JJDPa is the provision of mental health services for youth in the juvenile justice system. Studies have shown that as many as 70 percent of youth in the juvenile justice system have a diagnosable mental health disorder. Of those, up to 60 percent have a co-occurring substance abuse disorder. The problems of juvenile mental illness and associated problems of juvenile delinquency and crime are mutually reinforcing. Combating the underlying issues of mental illness and substance abuse among juvenile offenders will result in reduced recidivism and, ultimately, safer communities.

Research has shown that providing youth who suffer from mental health and/or substance abuse disorders with effective mental health services reduces arrest rates and yields significant savings by preventing future criminal justice costs. The provision of community-based mental

health services for youth suffering from mental health disorders has also been shown to lead to a significant reduction of youth placements in juvenile detention and other secure facilities.

I recommend not only a greater emphasis on this issue with the JJDP, but that a requirement be added that mandates a stronger collaborative working relationship between the Office of Juvenile Justice and Delinquency Prevention and the Substance Abuse and Mental Health Services Administration (SAMHSA) within the U.S. Department of Health and Human Services.

Although the evidence does not suggest that any single factor accounts for the development of criminal behavior, the importance of childhood victimization as a risk factor for subsequent delinquency and violence has become increasingly recognized. Victims of childhood maltreatment often enter the juvenile justice system and become tomorrow's serious and violent offenders. Children who are abused and neglected are not only more likely than other children to commit delinquent acts as adolescents and crimes as adults, but they are also more likely to experience a range of mental health, substance abuse, occupational, and educational deficiencies during adolescence and adulthood.

To improve the well-being of our nation's most disadvantaged and traumatized children and youth and see sustained reductions in child maltreatment and delinquency, we must improve the coordination and integration of the child welfare and juvenile justice systems.

Such improvements include developing coordinated systems plans, compiling data on dual jurisdiction youths, and providing necessary services for the prevention and treatment for victims of child maltreatment who have entered the juvenile justice system, and their families. When these factors are in place, improved outcomes for the children, youth, and families served by the child welfare and juvenile justice systems can be achieved.

In order to reduce the likelihood that juvenile offenders will commit subsequent violations of law, I urge Congress to add several provisions to the state plan requirements in the JJDPa that provide that states will 1) Provide for training, technical assistance and consultation to develop coordination between dependency and delinquency systems, including plans for early intervention and treatment of victims of child abuse or neglect and their families; 2) Provide a compilation of data reflecting information on juveniles entering the juvenile justice system with a prior reported history of child maltreatment (abuse or neglect) through arrest, court intake, probation and parole, juvenile detention, and corrections; and 3) Provide an analysis of necessary prevention and treatment services for victims of child maltreatment; and a plan for providing such services for the treatment of victims of child maltreatment and their families who have entered the juvenile justice system.

#### STRENGTHENING OJJDP

The JJDPa has created a unique partnership between agencies of the federal government and leaders in the juvenile justice field in the states and localities as an integral part of the structure of the Act. Strengthening this partnership will require Congress and Executive Branch agencies to work cooperatively with the Governors, the Governor-appointed State Advisory Groups on juvenile justice, state juvenile services agencies, local communities, and tribal organizations to enter into a meaningful dialogue and respond to state, local, and tribal concerns.

OJJDP is uniquely positioned to provide national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. Indeed, OJJDP serves all of the various stakeholders in the juvenile and criminal justice systems in the tribes, localities and states. Charged with supporting and working in partnership with states and communities in their efforts to develop and implement effective and coordinated prevention and intervention

programs and to improve the juvenile justice system so that it protects public safety, holds offenders accountable, and provides treatment and rehabilitative services tailored to the needs of juveniles and their families, OJJDP is the one place where the courts, prosecutors, defenders, probation, community-based organizations, law enforcement, and state and local leaders in the field can turn for support.

It is the intent of the JJDPA that OJJDP be in a position to sponsor numerous research, program, and training initiatives; develop priorities and goals and sets policies to guide federal juvenile justice issues; disseminate information about juvenile justice issues; and award funds to states to support local programming nationwide through its five organizational components: the Office of the Administrator (under which fall two Offices of the Deputy Administrator), the State Relations and Assistance Division, the Child Protection Division, the Demonstration Programs Division, and the Office of Policy Development.

To fulfill this role, the Administrator of OJJDP is responsible for identifying effective strategies for addressing juvenile crime through research; coordinating, implementing, and supporting effective programs and encouraging innovative approaches to deal with existing and emerging juvenile justice issues; developing priorities and goals and setting policies to guide Federal juvenile justice issues; providing technical assistance and training to essential components of the juvenile justice system; and disseminating information on juvenile justice trends, programs, and new approaches.

Given that there are in effect, 56 different juvenile justice systems in the states, the District of Columbia, and the territories, not to mention tribal juvenile courts, it is critical that juvenile justice have a dedicated focus and a “home” within the federal government for purposes

of developing national policies, objectives, priorities and plans, and for providing guidance, support and oversight to states/territories in implementing the JJDP. The importance of dedicating adequate resources to support the functions of this Office cannot be overstated. As a former Administrator of the OJJDP, I urge you to ensure that juvenile justice retains an active “home” that is focused on delinquency prevention and control, rehabilitation, and child protection within the U.S. Department of Justice at OJJDP-- with an administration guided by experts and whose actions are both timely and transparent to the public.

As the unique partnership between the federal government and the states relates to research on best or promising practices, I urge the Congress to strengthen the federal partnership with state, local, and tribal governments. Specifically, Congress should strengthen the federal role in supporting state, local, and tribal needs by providing sufficient resources and appropriations for jurisdictions to effectively implement the JJDP, to fully comply with its core protections for children and to ensure state and local adherence to high standards of performance.

Congress should consider ways to provide resources for field-based and field-strengthening research and evaluation that will refine and expand the array of promising and evidence-based practices in delinquency prevention, intervention and treatment. Among the issues that states are eager to address are the following: (1) ways to reduce school referrals to law enforcement; (2) proactive approaches to truancy prevention; (3) proven approaches to community and school reintegration for youth who have been recruited into criminal street gangs; (4) analyses of what youth are being sent to adult criminal court and what happens to them in that system; (5) innovations to guard against bias and racial/ethnic disparities; (6) effective approaches for diverse cultural and linguistic groups, as well as rural populations; and (7) effective approaches for positive family engagement.

Congress should also strengthen the implementation of Section 243 of the JJDPA, which addresses research, demonstration and evaluation and authorizes the OJJDP Administrator to “conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods which seek to strengthen and preserve families or which show promise of making a contribution toward the prevention and treatment of juvenile delinquency.” Although explicit language currently exists in the statute, most of the functions in this section remain unaddressed. Further, much of the capacity that existed within OJJDP to carry out this work has been dismantled in recent years and assigned, at least on paper, to other agencies within the Office of Justice Programs. This diffusion of focus has greatly reduced OJJDP’s capacity and role as a national leader on these issues.

Therefore, I urge you to adopt simple language changes in the JJDPA to provide that the OJJDP Administrator “shall” rather than “may” provide support for research, replication and high fidelity adaptation of evidenced-based practice models, across a wide range of racial, ethnic, geographic and societal circumstances—urban and rural, both in and outside of institutional settings for applications with many populations, girls, Native American youth, Youth in the U.S. territories, Latino youth, African American youth, and others. Congress should make clear that these functions within the Department of Justice are to be carried out by OJJDP and not be transferred elsewhere within the Office of Justice Programs. Congress should also insist that the research and findings be made widely available to the public and backed-up with training and technical assistance to the parties principally charged with JJDPA implementation—state advisory group members, state administering agencies, and state juvenile justice specialists.

## ACCOUNTABILITY AND TRANSPARENCY FOR A REFOCUSED OJJDP

Additionally, the Congress should strengthen accountability and transparency of the OJJDP by providing vigorous oversight of the JJDP's implementation in the states. For example, the JJDP could require OJJDP and states to publicly report compliance with the JJDP, a function that is not currently required.

The dismantling that is discussed above in reference to research and evaluation, has also taken place in OJJDP's training and technical assistance function. What in the 1990's had become a vital office function, providing valued guidance and information to states, tribes, territories, communities and individuals across the country through targeted training and technical assistance provided by national organizations with subject matter expertise, has been dismantled because of budget limitations. The combination of budget reductions, transferred functions, and a narrowing of focus has harmed an essential "player" in this country's efforts to reduce juvenile delinquency address the victimization of our children, and ensure safer communities. The JJDP and the OJJDP need to be restored to their strong and essential role in helping to lead the fight against juvenile crime in this country.

## SUMMARY OF RECOMMENDATIONS

In sum, I urge Congress to strengthen the JJDP by adopting the following recommendations:

1) Strengthen the Deinstitutionalization of Status Offenders (DSO) core protection for children. Congress should sunset the Valid Court Order exception to the DSO over a two year period. OJJDP should be instructed to identify the best practices across the country utilized to eliminate the use of VCO and assist states in reaching this goal.



2) Strengthen the Adult Jail and Lock-up Removal and the Sight and Sound Separation core protections for children: Congress should extend these core protection to youth held pretrial no matter what court they are in, juvenile or adult. I urge Congress to require states, within four years after enactment of the reauthorized JJDP, to cease placing youth who are prosecuted as adult criminals in an adult facility while awaiting trial on a criminal charge. Additionally, when youth are placed in an adult jail or lock up under limited exceptions, I urge Congress to clarify that the JJDP expressly prohibits any contact with adults in adult jails and lock-ups. Congress must clarify the definition of "contact" to ensure that there is no sight or sound interaction whatsoever between juveniles and adults placed in the same facility.

3) Strengthen the Disproportionate Minority Contact (DMC) core protection for children: Congress has the opportunity to rectify the problems of racial and ethnic disparity in reauthorizing the JJDP by developing more effective guidance and measures of accountability in the core protection addressing racial and ethnic disparities, and disproportionate minority contact for youth who come into contact with the juvenile and criminal justice systems.

Specifically, Congress should require states to take concrete steps to reduce racial disparities in the juvenile justice system and strengthen this core protection in the JJDP by replacing the current language to "assess and address DMC" with the following language:

- Engage in policy, practice, and system improvement strategies at the local and state levels that are expressly designed to reduce racial and ethnic disparities throughout the juvenile justice system. Strategies shall include:

(A) coordinating bodies of governing structures at the state and local levels of juvenile justice stakeholders, including leaders of communities in which youth of color are disproportionately represented in the juvenile justice system, to oversee and monitor local and state efforts to reduce racial and ethnic disparities;

(B) mapping state and local juvenile justice systems to identify key decision points, system personnel who make the decisions at those points, and the criteria those personnel use to make such decisions;

(C) developing and implementing state and local data systems that identify where racial and ethnic disparities exist in the juvenile justice system and track and analyze such disparities, using descriptors disaggregated as appropriate by race, ethnicity, gender, geography, offense, delinquency history and age;

(D) notwithstanding efforts to improve data collection systems, use available information to develop and implement a work plan to reduce racial and ethnic disparities that includes measurable objectives for system change and/or policy and practice change based on the needs identified in the data collection and analysis under (B) and designed to reduce any forms of bias, differential treatment of youth of color or disparity found to be associated with race and ethnicity;

(E) reporting publicly the progress made in implementing (B), (C), and (D); and

(F) monitoring and evaluating progress annually toward the measurable objectives in (D).

4) Clarify the role that OJJDP is expected to have in the full range of services to be provided in support of the JJDP, including research and evaluation, training and technical

assistance, dissemination of research and evaluation findings, and demonstration of new programs. It should be made clear in the Act that it is the expectation of Congress that these functions are to be carried out by OJJDP and not delegated to other agencies within OJP.

5) Strengthen the JJDPA's support for the identification of, and provision of services to juveniles with mental health or substance abuse disorders. Congress should encourage comprehensive collaborations to address mental health or substance abuse disorders among youth in, or at-risk of involvement in, the juvenile justice system. Specific language should be developed within the JJDPA that requires close coordination and collaboration between OJJDP and SAMHSA.

6) Focus on the link between child victimization and juvenile justice by adding several provisions to the state plan requirements in the JJDPA that provide that states will 1) Provide for training, technical assistance and consultation to develop coordination between dependency and delinquency systems, including plans for early intervention and treatment of victims of child abuse or neglect and their families; 2) Provide a compilation of data reflecting information on juveniles entering the juvenile justice system with a prior reported history of child maltreatment (abuse or neglect) through arrest, court intake, probation and parole, juvenile detention, and corrections; and 3) Provide an analysis of necessary prevention and treatment services for victims of child maltreatment; and a plan for providing such services for the treatment of victims of child maltreatment and their families who have entered the juvenile justice system.

7) Strengthen the support for the juvenile justice workforce in the JJDPA through enhanced supports for recruitment and retention strategies. These should include a matching funding program for pre-service and in-service training, as well as the development of state

agency/university partnerships designed to develop a career path for undergraduate and graduate students similar to the one authorized under Title IV-E and used to support the child welfare workforce.

8) Enhance the role of OJJDP and the Federal-State Partnership: I urge Congress to (1) require OJJDP and the states to make reports public and timely, and increase accountability and transparency at the federal level regarding all aspects of JJDPA implementation; (2) prioritize OJJDP's research and technical assistance functions that support states' efforts to comply with the core protections in the JJDPA and engage in best practices more broadly in reducing juvenile delinquency and victimization; and (3) ensure technical and financial support for a national nonprofit association to represent the nation's State Advisory Groups.

9) Funding: I urge the committee to work with appropriators to substantially increase funding for Title V Prevention and Title II Formula Grants to states. Additionally, I urge the committee to include funding incentives such as performance bonuses in the JJDPA to encourage states to adopt best practices based on research on programs that work to reduce juvenile delinquency.

In strengthening these core protections for our youth and in reauthorizing the JJDPA, I urge Congress to keep children and youth out of the justice system whenever possible by addressing their needs and those of their families early and effectively. In this JJDPA Reauthorization, Congress should also ensure that responses are appropriate to a young person's age and stage of development. States should be required to do everything possible to ensure that children and youth in the justice system are treated in an age-appropriate manner and provided

with developmentally appropriate, evidenced-based services and supports, and ensure, when needed, that sanctions are appropriate to a youth's age and offense.

Thank you for your consideration.



## Department of Justice

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**STATEMENT OF**

**THE HONORABLE J. ROBERT FLORES  
ADMINISTRATOR  
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION  
OFFICE OF JUSTICE PROGRAMS  
UNITED STATES DEPARTMENT OF JUSTICE**

**BEFORE THE**

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**CONCERNING**

**"REAUTHORIZATION OF THE JUVENILE JUSTICE AND  
DELINQUENCY PREVENTION ACT: PROTECTING OUR  
CHILDREN AND OUR COMMUNITIES"**

**PRESENTED**

**DECEMBER 5, 2007**

**Statement of****The Honorable J. Robert Flores****Administrator****Office of Juvenile Justice and Delinquency Prevention****Office of Justice Programs****United States Department of Justice****Before the Committee on the Judiciary****United States Senate****December 5, 2007**

Chairman Leahy, Ranking Member Specter, and distinguished Members of the Committee, thank you for the opportunity to appear today on behalf of the Department of Justice's Office of Justice Programs (OJP). I am J. Robert Flores, Administrator of OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP). As you know, OJJDP's mission is to provide national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. We strive to enable the juvenile justice system to better protect the public, hold offenders accountable, and provide prevention and treatment services for youth and their families.

I am pleased to be here today to discuss reauthorization of the Juvenile Justice and Delinquency Prevention (JJDP) Act. Before I discuss the Act and Department of Justice efforts to address juvenile crime and delinquency, however, I would like to briefly mention the Administration's own proposal for improving the juvenile justice grant programs.

The 2008 Budget proposes consolidating the several different juvenile justice grant programs, including those authorized by the JDDP Act, into just one flexible grant, which will permit States, localities, tribes, and non-profit service providers to compete for funding based on local needs, as well as national priorities. The new Child Safety and Juvenile Justice Program would eliminate formulas and earmarks and focus on key priorities, including:

- Reducing juvenile delinquency and crime;
- Protecting children from sexual exploitation and abuse;
- Improving the juvenile justice system so that it protects public safety, holds offenders accountable, and provides treatment, rehabilitative, and re-entry services tailored to the needs of juveniles and their families; and
- Assisting children victimized by crime and abuse, and promoting school safety.

Many of these priorities also have been the focus of the JDDP Act. Today, in discussing the JDDP Act, I would like to focus on three key areas: the assistance the Department provides to states and communities to improve their juvenile justice systems; our work on collaborative

efforts to develop prevention strategies; and the emphasis the Department places on research and evaluation.

### **Strengthening the Juvenile Justice System**

Since the early 1970s, research has shown that placing juveniles in jails or lockups without separating them from the adult population leads to a higher incidence of physical and mental abuse of the juveniles by both the adult inmates and guards. Moreover, by placing young people together with seasoned adult criminals, the time they spend in detention under these conditions makes rehabilitation even more difficult.

The JJDP Act, most recently reauthorized in 2002 and implemented in Fiscal Year 2004, aims to treat juvenile delinquents in a fair and equitable manner, while ensuring their placement in appropriate facilities, as needed. The 2002 reauthorization reaffirmed the four core requirements that participating states must address to receive grants under the JJDP Act.

First, status offenders must be deinstitutionalized. Juveniles who commit offenses that would not be a crime if committed by an adult, such as underage drinking, may not be held in secure detention or confinement.

Second, states must ensure separation of juveniles from adults in detention and correctional facilities. This requirement provides that juveniles shall not be detained or confined in a secure institution in which they have sight or sound contact with incarcerated adults.

Third, juveniles must be removed from adult jails and lockups. Juveniles generally may not be held in jails and lockups in which adults may be detained or confined. Juveniles may, however, be held temporarily for no more than 6 hours during which time the facility must identify, process, and transfer offenders to a juvenile facility or court or detain the offender pending release to parents.

Fourth, states are required to demonstrate efforts to reduce Disproportionate Minority Contact (DMC). States must show they are working to reduce the disproportionate number of minority youth who come into contact with the juvenile justice system. During my tenure, this has been a priority of OJJDP and some states are making significant progress.

While upholding the four core requirements, the reauthorization of 2002 modified some of the requirements and the penalties for non-compliance. OJJDP worked closely with states to share this information and assist state agencies with training to meet the new mandates. We conducted a series of regional training conferences to explain the changes and answer questions. We also established new guidelines, developed documents, and updated Web pages to help juvenile justice policymakers and practitioners prepare for the legislative changes.

Today, we continue our commitment to help states achieve compliance. OJJDP works proactively with states to ensure they maintain or improve compliance with all of the core requirements of the JJDP Act. This is accomplished through a number of vehicles, including



onsite visits by OJJDP staff, technical assistance, and regional and national training conferences, including annual compliance monitoring training. Recently, we trained a large number of juvenile justice professionals in the requirements of the Act. The training provided information to help them address major issues facing the juvenile justice system, including DMC and the appropriate use of detention.

Through these efforts, not only has OJJDP been able to resolve state compliance deficiencies, but we have also reduced the number of nonparticipating states from three to one. Wyoming remains the only state not participating in the Formula Grants program, with Kentucky becoming a participating state in 1999, and South Dakota in 2003.

I am pleased to report that states have made significant progress in meeting compliance with all four of the core requirements of the JJDP Act. The decrease in violations has been dramatic. Comparing the most recent number of violations to the number of violations when states first began participating in the JJDP Act<sup>1</sup>:

- Deinstitutionalization of status offender violations are down 96 percent (from 171,183 to 6,234).
- Adult separation violations are down 98 percent (from 83,826 to 1,628).
- Jail removal violations are down nearly 95 percent (from 148,442 to 7,757).

Although compliance with DMC requirements cannot be measured in terms of violations, based on the States' Fiscal Year 2007 Formula Grants Three-Year Plan Updates, every state participating in the Formula Grants program is in compliance with the DMC requirement.

However, when a state is not in compliance, we are required to reduce that state's allocation. We are aware, based on conversations with State Representatives and OJJDP staff, that reducing the allocation places a hardship on states. We want to assure this committee that such a reduction of funding is done only as a last resort, to comply with rules set forth in the JJDP Act.

Enforcing the core requirements is essential to ensuring that juvenile delinquents receive basic protections when it is necessary to temporarily place them in jails and lockups or confine them in juvenile detention and correctional facilities. At the same time, these juveniles will be held accountable for their behavior, which will ensure the safety of both the community and the juveniles themselves. The JJDP Act has led to important results in this area, results that we believe we can build on with our proposal for a new Child Safety and Juvenile Justice Program.

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<sup>1</sup> The most recent figures for violations are based on 2004 and 2005 data. The year of baseline data varies by state, and depends on when valid and reliable monitoring data were first available. This determining factor is related to when each state and territory began participating in the Formula Grants Program. For the vast majority of states, this occurred between 1974-1979.

### **Partnering to Prevent Delinquency and Child Victimization**

In addition to working with states to address the core requirements, another area of focus is partnering with other federal agencies, states and local jurisdictions, and non-profit organizations to plan and implement delinquency prevention initiatives. Preventing delinquency before it occurs, and intervening swiftly and appropriately when it does, are critical components of an effective response to juvenile delinquency and violence. OJJDP strives to work with our federal, state, local, and non-profit partners to find ways to access programs and resources housed at other agencies. We believe it is a matter of necessity, and it is starting to pay dividends.

At the federal level, we have worked to coordinate programs related to delinquency prevention. For example, the Coordinating Council on Juvenile Justice and Delinquency Prevention is an independent advisory committee within the executive branch of the Federal government. The Council's primary function is to coordinate federal programs related to delinquency prevention, missing and exploited children, and detention and care of unaccompanied juveniles.

Over the past few years, the Council has joined with the Departments of Labor, Health and Human Services, and Education in the Shared Youth Vision, and has provided funding to assist in coordination efforts that helped propel this initiative. This initiative works with state governments to encourage coordination among state juvenile justice, workforce development, education, and human service agencies in serving high-risk populations, such as juvenile offenders and foster care youth.

Another such collaboration involves the Federal Mentoring Council. Two years ago, the Council agreed to fund an effort by the Corporation for National and Community Service and the Department of Health and Human Services' (HHS) Children's Bureau to organize and coordinate the many mentoring initiatives being carried out by the federal government. Together, we identified all federally funded mentoring efforts and current activities, but more importantly, we are coordinating and building upon our efforts.

OJJDP also represents the Department of Justice on the *Helping America's Youth* interagency workgroup. *Helping America's Youth* is an Administration initiative announced by President Bush in his 2005 State of the Union Address and led by our First Lady, Mrs. Laura Bush. This federal effort reaches local coalitions looking to address juvenile delinquency and other youth issues through an online tool—the *Community Guide to Helping America's Youth*—that was developed by the youth serving agencies. One component of this tool is a registry of evidence-based interventions for youth that was patterned after OJJDP's Model Program Guide. OJJDP has also helped to identify successful programs for Mrs. Bush to visit as she has traveled the country speaking out about the needs of America's youth.

OJJDP has also increased its direct partnerships to reach populations of young people who, until now, were not a primary focus of prevention efforts. One such example is the joint work on underage drinking that we are undertaking with the United States Air Force. Over the past two

years, OJJDP and the United States Air Force have collaborated to keep underage youth who are attached to the Air Force, whether dependents or enlisted personnel, from consuming alcohol. As we continue this relatively new effort and collect data, we will determine whether it should and can be expanded to the other services.

In addition to federal partnerships, OJJDP supports collaboration at the state and local levels. An example of such collaboration is our anti-gang effort. In Fiscal Year 2003, OJJDP initiated the Gang Reduction Pilot Program (GRP) to reduce youth gang activity in four disadvantaged neighborhoods by combining local, state, and federal resources. Unlike many previous efforts where communities chose to address enforcement, prevention, or intervention, this effort brought all major sectors together and used the strengths of each to address the needs of the communities. Moreover, we launched the anti-gang pilot projects in the most challenging of areas—Los Angeles, CA; Milwaukee, WI; North Miami Beach, FL; and Richmond, VA.

Funding for these pilot sites was flexible, allowing the targeted neighborhoods to fill gaps in prevention programming and law enforcement resources. Funding was supplemented by training and strategies to help local officials identify and use existing resources to address their needs. Federal funding also helped communities build capacity, organize efforts, access new funds, and understand the resources currently available in their own communities. Community leaders, who initially thought they had no such resources, realized they had what they needed to get the job done, by taking inventory of their community, reaching out to partners, and working alongside other sectors. As a result, local partners will be able to sustain the program after federal funding ends.

Private, city, state, and non-profit agencies and officials are committing funds and resources to expand this effort in their cities. For example, in Richmond, many nonprofit, faith-based and community-based organizations, and businesses have joined the community coalition and brought their own resources to the table. One of the most important partners has been the addition of the largest health care provider in Richmond. As a result of support from the police department and public housing operators, the hospital corporation now provides a free medical van that makes healthcare accessible not only to gang-involved youth and their families but to anyone living in the public housing.

Similar positive changes occurred at the Los Angeles GRP site. Because of the success of GRP in tandem with the Los Angeles Police Department's CLEAR Program, in April of this year, Los Angeles Mayor Antonio Villaraigosa announced the launch of a \$168 million anti-gang initiative modeled on the GRP test site in his city. Through GRP, we hope to demonstrate that community collaboration across sectors and programs can achieve results that no single agency, program, or funding source can achieve on its own.

Another example of OJJDP's partnerships is in the area of child exploitation. The Internet Crimes Against Children (ICAC) Task Force program helps state and local law enforcement agencies develop effective responses to Internet-based child enticement and pornography. In October, OJJDP awarded 13 ICAC grants to law enforcement agencies, establishing task forces

in all 50 states. The purpose for this increase was to address the ever-increasing number of online predators.

While federal funding supports the ICAC network, the partnerships and contributions of nearly 1,800 law enforcement agencies make this national effort work. These partnerships are achieving major milestones. In Fiscal Year 2007 alone, ICAC investigations led to more than 2,350 arrests and nearly 10,500 forensic examinations. Since June 2004, ICAC task forces have identified nearly 4,400 children who were victims of either sexual abuse or some form of physical abuse or neglect. Since the program's start in 1998, ICAC task forces have made more than 10,500 arrests.

The hallmark of OJJDP is its ability to leverage and launch efforts to improve the lives of youth who are at risk of entering the juvenile justice system and those already within it. This could not be done without strong partnerships with the non-profit sector. While many of these organizations are also our grant recipients, they bring resources and attention to issues that OJJDP could not attract by itself. Our partners add billions of dollars to our efforts to help youth through volunteers, charitable contributions, and their ability to act as a magnet for other services and programs. Through partnerships with other federal agencies, state and local governments, and non-profit organizations, we carry out our commitment to help communities intervene early and effectively in children's lives.

### **Understanding Juvenile Issues and Evaluating Strategies**

Our goal at OJJDP is to replicate programs and strategies deemed effective on the basis of stringent, research-based criteria. We support research programs that examine risk and protective factors for tribal youth, the effectiveness of promising programs for drug prevention and youth gang reduction, and effective strategies for combating juvenile female delinquency and violence.

In Fiscal Year 2003, we launched a project to address female delinquency and its consequences. As part of the project, we convened a Girls Study Group composed of researchers and practitioners. This study group was charged with reviewing existing literature, analyzing Federal programs that address female offenders, identifying effective or promising programs, and developing program models to prevent and reduce female offending.

The Department committed more than \$2 million to this effort. Our goal is to have a complete picture of the circumstances faced by delinquent girls today. We expect that some of what we will learn will surprise us, challenge us, and in some ways launch us in new directions. Already, we see that the increase in arrest rates for girls may be explained in large measure by changes in policing that resulted from changing community demands. Whatever the cause, the number of girls entering the juvenile justice system is increasing, and states and localities need guidance on how best to handle the increase. We are currently in the process of putting together a series of bulletins on the Girls Study Group findings. We expect results to be released in Fiscal Year 2008.

Through efforts such as the Girls Study Group, the juvenile justice field is making great strides in increasing its knowledge of the issues facing youth, identifying what programs work, and assuring that practitioners receive the information they need. One way OJJDP provides such information is through the development and provision of the Model Programs Guide, a tool that identifies programs and approaches that have been tested and found to work. Available through OJJDP's Web site, the Model Programs Guide served as the basis for a tool now featured in the *Community Guide to Helping America's Youth*. The Community Guide, created by the Federal agencies under the First Lady's leadership as part of the Helping America's Youth initiative, is a strong example of inter-agency collaboration to better serve our youth. This effort accomplishes one of the goals of the White House Task Force on Disadvantaged Children and Families—bringing together agencies to eliminate duplication and ensure that agency efforts are maximized through collaboration and partnership.

### **The Road Ahead**

In closing, the continuing decline in juvenile arrest rates is encouraging. Despite some high-profile cases, our kids are doing well. They are resilient, and our families and communities are developing new ways of addressing crime and delinquency that are in line with research and evaluation.

The most recent data show that the juvenile arrest rate for violent crime in 2005 was 49 percent below its peak in 1994. Still, the Department of Justice recognizes that much remains to be done to prevent, intervene in, and treat delinquent behavior. We are committed to supporting programs that have the greatest potential for improving the juvenile justice system and combating juvenile delinquency. We will continue to do so by building a comprehensive, coordinated network of state, local, and tribal juvenile justice systems and delinquency prevention programs.

Mr. Chairman, I appreciate the opportunity to testify before the Committee on this important subject. I would be pleased to answer any questions. Thank you.

**Testimony of Deirdre Wilson Garton,  
Chair of the State Advisory Group for Wisconsin  
Senate Judiciary Committee  
December 5, 2007**

Re: Reauthorization of the Juvenile Justice and Delinquency Prevention Act of 2002

Let me begin by thanking the committee for asking me to testify about the reauthorization of the JJDP Act. It is an honor to come before you and talk about the many successes and some of the challenges in the area of juvenile justice from one state's perspective, Wisconsin.

I am a lawyer, a former prosecutor and currently a business owner in Wisconsin. I come to you today primarily as the Chair of the Governor's Juvenile Justice Commission in Wisconsin, our State Advisory Group under the Act. Our State Advisory Group is a long-standing member of the Coalition for Juvenile Justice which serves as the national nonprofit association for all State Advisory Groups. I am also a member of the Federal Advisory Committee on Juvenile Justice for OJJDP, which has made recommendations to the President and Congress annually since 2004 in our Annual Report.<sup>1</sup> I have been involved with juvenile justice and child protection issues for more than twenty years, both in private practice and in public service. In the '90s I was the Deputy District Attorney for the Juvenile Division of the Dane County District Attorneys Office and in that capacity prosecuted both juvenile delinquency and child protection cases which included dependent and uncontrollable children as well as mental health cases involving children. From the first time that I read *In re Gault* in a Constitutional Law class as an undergraduate, I knew that this was the area of law that I would focus on for my career.

I am going to talk about two things in my comments this morning. First, the value of prevention and compliance programs and the Title V incentive grants under the Act. Second, what I view as the threats to the principles underlying the JJDP Act which include inadequate funding of states' prevention programs and the states' deteriorating relationships with the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Let me start, however, by stating that the landscape of juvenile justice has changed dramatically in the last decade for one good reason: because we know what works. A significant amount of the needed research has been done.

I would urge the Congress to provide funding under the JJDP Act and elsewhere to pursue the gaps in the research on best practices and to substantially increase the training and technical assistance provided to states and communities that will help them embrace evidence based delinquency prevention and intervention programs that work. The JJDP Act is the critical preventative framework that can support all of these activities, and OJJDP has made positive strides through their Model Programs Guide to disseminate best practices to the states.

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<sup>1</sup> *Federal Advisory Committee on Juvenile Justice, Annual Report 2007*, <http://www.facjj.org/annualreports/FACJJ%20Report%20508%201126.pdf>.

As a former prosecutor and one who has worked closely with law enforcement directly on cases as well as system improvements, my colleagues and I were always interested in what works to make our communities safe. And all of us in law enforcement know that prevention works.

Let me tell you about how Title V of the Act and the requirements of Title V can positively affect delinquency prevention and one of the core requirements of the JJDP Act, disproportionate minority contact (or DMC). In Wisconsin we have a significant issue with DMC in the juvenile system, and the adult system for that matter.<sup>2</sup> I am currently a member of the Governor's Commission on Reducing Racial Disparities and what our inquiries tell us on the juvenile as well as the adult side is that the reasons for disparities among the races are not easy to diagnose and one solution will not work in every community. Each community has a different profile and different reasons for the disparity at different decision making points.

Title V by its very structure requires that communities engage in an evidence-based process:

- Building community readiness through building of partnerships among justice and community stakeholders
- Data collection of risk and protective factors to identify problem areas and monitor improvements
- Use of evidence based programs

Wisconsin, using grants from the State Advisory Group, which helped to leverage other funding commitments from our Governor, Jim Doyle, funded six pilot counties to address DMC. One of those is Rock County, home of Janesville and Beloit. Janesville and Beloit in the southern part of the state are both industrial towns located on a major interstate between Minneapolis, Madison and Chicago. Beloit has a larger African American community than Janesville and more challenges with regard to residents living in poverty.

A lot was happening in Rock County and the state in the early 2000s:

- Rock County's DMC numbers in the early 2000s were among the worst in the state.
- Juvenile justice funding was cut at the federal level. That cut prompted our State Advisory Group to strategically use those dwindling dollars more effectively by promoting evidence based services and practices.<sup>3</sup>

<sup>2</sup> *And Justice for Some: Differential Treatment of Youth of Color in the Justice System*, January 2007; Mauer, Marc, King, Ryan S., *Uneven Justice: State Rates of Incarceration and Race*, The Sentencing Project, July 2007, [http://www.sentencingproject.org/Admin/Documents/publications/rd\\_stateratesofincbyraceandethnicity.pdf](http://www.sentencingproject.org/Admin/Documents/publications/rd_stateratesofincbyraceandethnicity.pdf), Mayrack, Brenda R., *Race and Sentencing In Wisconsin: Sentence and Offender Characteristics Across Five Criminal Offense Areas*, Wisconsin Sentencing Commission, August 2007.

<sup>3</sup> Aos, Steve, Phipps, Polly, Barnoski, Robert, Lieb, Roxanne, *The Comparative Costs and Benefits of Programs to Reduce Crime*, Washington State Institute for Public Policy, July 2001.

- Rock County wanted to address prevention issues as well as detention reform and had applied to the State Advisory Group to become a Title V county in Wisconsin.

Rock County got the Title V grant, as well as a number of other juvenile justice funds, and put into place a comprehensive approach to reducing racial disparities. The federal grants along with the outstanding technical assistance that comes with a Title V grant from OJJDP helped Rock County create the community awareness and partnerships necessary to begin to tackle the complex issues that cause DMC.

Using a variety of JJDP Act funds, including Title II Formula Fund grants and especially Title V funds, as well as funds allocated through the Juvenile Accountability Block Grant (JABG) program, leaders in the county put in place several programs:

- an **electronic monitoring program** to address accountability for system-involved youth that reduced the need for secure detention of youth
- a proven prevention program, **CasaSTART**, located in two middle schools serving the large populations of high risk youth
- a **“one-stop” service center** for youth diverted from detention located in a local community center in a high need neighborhood in the heart of Beloit
- and an evidence-based **youth mentoring** program.

The results have been excellent. Rock County has reduced the number of youth of color held in secure detention by 44%, with associated gains in family well being and community safety. They have reduced the use of detention for all youth by a third. Rock County has been diverting more minority youth away from the juvenile justice system so that in 2006, they report that there is no racial disparity at all when it comes to diversion of youth from the juvenile justice system. They have also reduced their juvenile correctional placements by half. This shift alone has resulted in significant cost savings for the county. In 2002, 24 youth were placed in juvenile corrections at a cost of \$1.7 million. In 2006, only thirteen youth were placed in juvenile corrections at a cost of just over \$1 million. The only way that Rock County was able to reduce those costs was with the investment of \$950,000 of federal funds, directed by the State Advisory Group, into those evidence based programs over six years.<sup>4</sup> Most significantly, the dividends from that investment in children and families as well as infrastructure in Rock County will continue to pay out for many years to come.

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Inspired by the work of the WSIPP's cost benefit analysis, the Wisconsin State Advisory commissioned a similar study. *What Works, Wisconsin* focused on juvenile prevention and intervention programs and more importantly sorted through the studies to find the common features of effective programs to help already existing programs improve their designs to incorporate effective features. In addition, we have funded ongoing *Research to Practice Briefs* that give communities more resources on particular topics in using evidence based services, and we have funded the development of as a computerized self assessment tool. <http://www.uwex.edu/ces/flp/families/whatworkswisconsin.pdf>

<sup>4</sup> JABG = \$209,184; Title II and Byrne Grant Funds = \$450,000; Title V = \$275,000.



Let me caution, however, that the work is not done. Through the community partnerships that the county has developed they have identified a number of areas that need improvement: better coordination with law enforcement, improved substance abuse services to youth, employment services for youth, in-home family treatment and aftercare services.

Therefore, I urge the Congress to consider carefully ways to strengthen the research, guidance, training and technical assistance, but most importantly the appropriations, devoted to DMC reduction under both Title II and Title V of the JJDP Act. Frankly, without the kind of compliance support and prevention funding that Title II and Title V and other critical federal justice funds offer, the county will have a difficult time piloting new programs, especially critical investments in prevention programs.

The next significant contribution directly resulting from the JJDP Act in Wisconsin that I want to tell you about is a firearm offender's program in Milwaukee. While not a Title V program, it is a program that could not have been developed without an infusion of significant federal funds. It is an illustration of how important it is that adequate funding for these programs continues. It is also an illustration of how important the JJDP Act paradigm is to success by fostering partnerships by the state with local governments and community based programs that know what their communities need.

Using JABG funds in 1999, Milwaukee in partnership with the community based organization, Running Rebels, developed an in-community program for first time firearms offenders in Milwaukee who otherwise would likely have gone into juvenile corrections. The program focused on two things:

- community safety by intensive in community supervision – In the first 13 weeks of the program the firearms monitor is required to make 91 homes visits and 65 school visits.
- competency development for program participants through participation in pro social activities including school and the programs of the host organization, Running Rebels in Milwaukee

The results of the Firearms program have received national attention.<sup>5</sup> In following up on 130 successful graduates of the program, only 12% reoffended within a year of completion and only 21% reoffended within two years. That compares to the recidivism rate for similar youth placed in juvenile corrections of 33% at one year and 37% at two years.

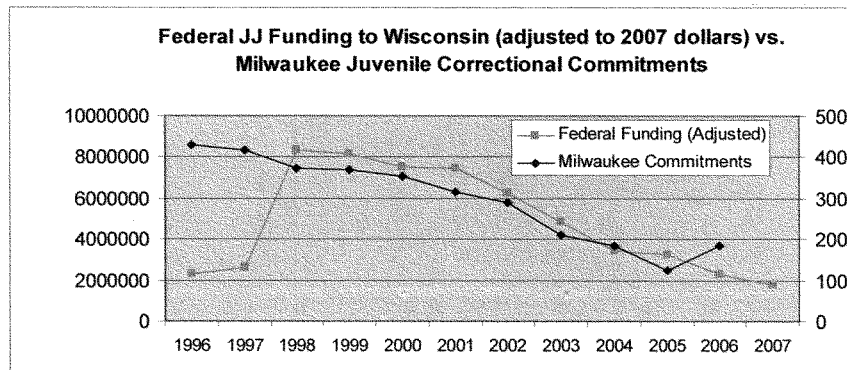
The Firearms Program along with the FOCUS, a JJDP Act funded program which provides wrap around services in Milwaukee, has helped to lower Milwaukee's juvenile correctional placements from a high in 1996 of over 400 youth to a low in 2005 of just over 100 youth, saving the county millions of dollars. More importantly this program has

<sup>5</sup> The Milwaukee Firearms Program, administered by Running Rebels, received an award from OJJDP in October of 2007 for "Excellence in Juvenile Justice Programming."

created safer communities and brighter futures for these youth. (In 1995, there were 7377 juvenile arrests for violent index crime in Milwaukee County. In 2004, the number was 4197). The Act, especially the infusion of federal funding to states and localities to spur new evidence-based programs, is playing a key part.

What is distressing is that the decrease in federal funds over the last six years has been detrimental. In fact, Milwaukee has reached a tipping point. In 2006, Milwaukee sent close to 200 youth to corrections, up from 100 in 2005. This year Milwaukee has already sent more than 200 youth to juvenile corrections. Why? One likely factor is that with reduced funding, comes reduced treatment slots across critical programs, and no new programs to meet the changing needs of youth and families. Even though we know that our state's programs work, the reduction of federal dollars has reduced the number of youth that can participate.

This chart dramatically illustrates the impact of the reduction in Federal Funding.



In my comments thus far I have tried to note that OJJDP has clearly been a source of help and direction over the last several years. But as a professional who has worked in the area of juvenile justice and delinquency prevention for over twenty years, I have to also point out the problems that I see in OJJDP, particularly with regard to relations with the states. These problems have to do primarily with issues of transparency and insufficient partnership.

As a member of the Federal Advisory Committee on Juvenile Justice, I know that in the 2007 Annual Request for Information thirty-eight (38) out of forty-seven (47) responding states have identified DMC as the #1 issue of concern, as they have in each request that we have made. While OJJDP has addressed DMC over the years as I noted earlier, that focus has declined in the last few years. OJJDP and the Office of Justice Programs have failed to conduct or fund research that identifies evidence based approaches to address DMC. In addition, we know that bringing law enforcement and schools to the table will most significantly impact DMC. But OJJDP has done little to facilitate such dialogue

aside from providing a grant to the Coalition for Juvenile Justice to sponsor a conference in 2006. Promises to develop a police academy curriculum as a result of that conference have not been fulfilled. Programs put in place by states using JJDP Act funds which are producing positive outcomes, such as the programs in Rock and Milwaukee Counties, have not been evaluated because so little money is allocated to any research.

Why is this the case? It's hard to say since the Annual Report to Congress required to be submitted by OJJDP has not been submitted for more than two years. In the past, those Annual Reports to Congress from OJJDP provided guidance to states to help them decide on focus areas for work and to ensure that they are compatible with OJJDP's direction.

Moreover, OJJDP's current focus on compliance with the core requirements of the JJDP Act has become adversarial and capricious rather than supportive. In Wisconsin, for example, we have been found out of compliance on the deinstitutionalization of status offenders (DSO) in 2005. I will be the first to admit that Wisconsin has had shortfalls in the area of compliance monitoring. Yet, what has made the entire process even more difficult is the set of changing definitions and interpretations set forth as rules by OJJDP, in absence of public discourse, dialogue with states and outside of the federal rulemaking process. New and changing interpretations of compliance rules have resulted in months of unnecessary work and diversion of resources.

Wisconsin has appropriately been penalized with the 20% reduction in its Title II Formula Funds allocation as we are diligently addressing the DSO issues identified. At the same time, however, we have learned that other states are also out of compliance, yet have still received their full funding. Trying to determine how these decisions are being made is nearly impossible because the standards for decision making were developed outside the appropriate rule making process, and with no regard for transparency or congressional oversight.

From my comments today, I hope the Committee understands two things. First, the federal partnership with the states to promote delinquency prevention and juvenile justice improvements is in danger. It is in danger in two ways.

The first danger is inadequate funding. Our programs that we know work are reaching a tipping point as illustrated by the Milwaukee, Running Rebels program. Treatment slots are drying up. And without adequate Title V funds and other juvenile justice funding we can't even begin to make an impact on DMC. When our state SAG goes to a county board in rural Wisconsin whose demographics are changing because of a growing minority population, we cannot just mandate that they address the issue of DMC. We have to offer them something. That something is guidance, examples of evidence based programs that produce positive change, and the federal funding to back it up. In Wisconsin we want to get ahead of this issue. Help us do that by returning to the 2002 funding levels for Title V, JABG and Formula Grant funds.

The second danger is the deteriorating nature of the states' relationships to OJJDP. States need transparency and an over-arching goal of partnership from OJJDP. Because of the

adversarial and capricious nature of OJJDP's current approach to compliance, and the lack of meaningful communication and transparency, Wisconsin and I dare say other states are losing trust in OJJDP. That trust must be earned again by increasing the Administrator's and the agency's commitment to developing and disseminating an even more significant body of best practice knowledge, ensuring federal funds to support the core requirements and the State Advisory Groups, and engaging in an appropriate rule making process which guarantees public comment, as well as consistent and transparent treatment of all states.

Second and most importantly, the scheme that Congress fashioned in the JJDP Act in 1974 was and is of great value. Without the unique partnership that the JJDP Act has struck with states and localities to develop programs that meet their changing and unique needs over time, Wisconsin would not have made the strides that we have on improving outcomes for our youth caught in the juvenile justice system.

With a strong JJDP Act in place, as well as greater congressional support and more adequate appropriations with few or no earmarks, particularly from Title V, I feel confident that all of the benefits of the JJDP Act will be realized nationwide for the betterment of youth and families, and for the safety of our communities.

Thank you so much for the opportunity to discuss these issues with you today. I am anxious to answer any questions that you may have.

***Reauthorization of the Juvenile Justice and Delinquency Prevention  
Act: Protecting Our Children and Communities***  
**Statement of Senator Edward M. Kennedy**  
**December 5, 2007**

I commend the Chairman for holding this hearing on the reauthorization of the Juvenile Justice and Delinquency Prevention Act. We just enacted the law in 1974 as part of a bipartisan effort to help state and local governments improve their juvenile systems. Unfortunately, we seem to have forgotten today that the primary goal of a separate system for juveniles is rehabilitation. Every year, over 2 million youth are arrested, and over 100,000 of them are put into juvenile correctional centers, which raises large questions about the effectiveness of the current law.

To reduce crimes, a number of states and the federal government have enacted harsher punishments for juveniles, and are even allowing some juveniles to be transferred to adult courts and incarcerated in adult prisons. That's hardly appropriate for juveniles, and sending them to these facilities can do more harm than good. Youth in adult facilities are at a higher risk of serious harm, including suicide and sexual assault. Such transfers are also counter-productive. In a recently released study, the Center for Disease Control found that youth transferred to the adult criminal justice system have a greater risk of being re-arrested than youth who remain in the juvenile justice system. Exercising reliance on incarceration hasn't worked in the adult criminal justice system, and it isn't working in the juvenile justice system either.

We also have a serious problem with the treatment of minority offenders. Minority youth are overrepresented in the juvenile justice system and are often treated more harshly than white youth. The case of the Jena 6 highlights these problems and shows that differential treatment can affect the legitimacy of the criminal justice system as a whole.

We obviously need to examine these differences and implement policies that restore fairness to juvenile justice.

We have an opportunity in this reauthorization to reinforce our belief that young people deserve a second chance when they make a mistake. I hope we can strengthen the protections for youth who come into contact with the juvenile justice system. I look forward to the testimony of our witness and their insights on these complex issues.

**Statement of Senator Patrick Leahy,  
Chairman, Senate Judiciary Committee  
On "Reauthorization of the Juvenile Justice and Delinquency Prevention Act:  
Protecting Our Children and Our Communities"  
December 5, 2007**

Today, the Judiciary Committee considers the important issue of how we can best help our communities protect our most precious asset, our children, not only by keeping them safe and out of trouble, but also by helping to ensure they have the opportunity to become productive adult members of society. I thank Senators Specter, Kennedy, and Durbin for their leadership on this issue, and I particularly thank Senator Kohl, who has long been committed to this issue, for agreeing to share with me the responsibility of chairing this hearing.

The Juvenile Justice and Delinquency Prevention Act sets out federal policy and standards for the administration of juvenile justice in the states. It authorizes key federal resources for states to improve their juvenile justice systems and for communities to develop programs to prevent kids from getting into trouble. The reauthorization of this important legislation gives us a good opportunity to reexamine federal juvenile justice policy so that we can reinforce what has been working and change what has not.

*The Washington Post* reported last week on a study by the Center for Disease Control and Prevention that we should consider. The CDC determined that children who are held in adult prisons commit more crimes, and more serious crimes, when they are released than kids with similar histories who are kept in juvenile facilities. After years of pressure to try more and more kids as adults and to send them to adult prisons, we need to seriously consider whether that policy is working in the face of strong evidence to the contrary.

As a former prosecutor, I know well the importance of holding criminals accountable for their crimes with strong sentences. But when we are talking about children, we must also think about how best to help them become responsible, contributing members of society as adults. That keeps us all safer.

As I have observed before, Congress's and the Clinton administration's strong support for state and local law enforcement in the 90s with the COPS Program and other key grant programs contributed to historic declines in crime. The gutting of these programs by this administration and recent Republican Congresses has contributed to a reversal of that trend and to recent increases in crime rates. Press reports based on documents from the Office of Management and Budget suggest that the administration may be proposing further cuts in funding to law enforcement next year. I am afraid that similar trends are evident in the juvenile justice field, with effective prevention programs facing significant cuts in federal support, creating a dangerous vacuum. We need to reverse this trend and help our communities implement programs proven to help kids turn their lives around.

I have long supported a strong federal commitment to preventing youth violence, and I have worked hard on past reauthorizations of this legislation, as have many of my



colleagues on the Committee. We have learned with time the importance of boosting support for state and local law enforcement and of balancing strong law enforcement with prevention programs aimed at keeping kids out of the criminal justice system. Some problems persist, including disturbing episodes of mistreatment of children and the continuing disproportionate representation of minorities in the juvenile justice system. We must continue looking for ways to solve these troubling patterns and disparities, as well as to build upon past successes.

I thank the many prominent Vermont representatives of law enforcement, the juvenile justice system, and prevention-oriented non-profits who have spoken to me in support of reauthorizing this important Act and who have helped to shape my understanding of these issues. I know that many of my colleagues on the Committee have heard from passionate leaders on this issue in their own states, several of whom join us on today's panel.

I thank the distinguished panel of witnesses for coming. I am glad that the panel includes people with juvenile justice experience not only in large urban communities, but also in rural areas – areas with problems that may receive less national attention, but which for Vermont and many other states are just as real. Importantly, the panel includes representation from the federal, state, and local levels, people with years of experience both in law enforcement and in programs aimed at keeping children out of the criminal justice system. I know they will provide us with valuable ideas and perspectives today.

A careful examination of how to keep our children from entering or reentering the criminal justice system not only makes our communities safer by reducing the number of kids who go on to lives of crime as adults, but it also ensures that our children will lead safer and more fulfilling lives.

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**U.S. Senate Judiciary Committee****The Juvenile Justice and Delinquency Prevention Act (JJDP) Reauthorization:****Racial and Ethnic Disparities in the Juvenile Justice System****December 5, 2007, 10:00 am**Testimony by Richard Miranda  
Chief of Police, Tucson Arizona**INTRODUCTION**

Good Morning Senators.

My name is Richard Miranda, and I am Chief of the Tucson Police Department. Thank you for the opportunity to be here today to represent the men and women of the Tucson Police Department. I appreciate the opportunity to address the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP) and specifically to speak to the issue of racial and ethnic disparities in the juvenile justice system.

I offer a practitioner's perspective regarding the crisis of over-representation of young people of color in our justice systems. Our officers are on the frontline dealing with youth, families and communities and there is no doubt that the majority of youth and families that are being served by our local law enforcement teams are youth of color.

Indeed, in Tucson the issue of the overrepresentation of youth of color in the juvenile justice system is very important to communities of color as well as the Anglo community. It is for this reason that I am particularly pleased to have the opportunity to speak with you today about enhancing the core protection in the JJDP that focuses specifically on the overrepresentation of youth of color in the juvenile justice system.

**NATIONAL SCOPE OF THE CRISIS**

Youth of color are disproportionately represented at every decision making point in juvenile justice system, and this disadvantage accumulates as they move through the system<sup>1</sup>. Youth of color are overrepresented in arrests, referrals to court, secure detentions, and placements in secure correctional facilities. Recent national Office of Juvenile Justice and Delinquency Prevention (OJJDP) data reveals that white youth represent 78% of the overall youth population, and 70% of youth arrested, 66% of court referrals, and 60% of youth securely detained pre-adjudication. In contrast,

Black youth represent 17% of the overall youth population, but 28% of youth arrests, 31% of court referrals and 37% of youth securely detained pre-adjudication.<sup>2</sup>

While youth of color comprise 35% of the total youth in the United States,<sup>3</sup> youth of color make up 65% of the population securely detained pre-adjudication. Justice Department data reveal that each year, more than 300,000 youth are detained in pre-trial juvenile detention facilities.<sup>4</sup> Black and Latino youth comprise the overwhelming majority of this disproportionality with Asian Pacific Islander and Native American youth represented in numbers that need further analysis as well.

The degree of youth of color overrepresentation in secure detention far exceeds the rates of youth of color offending.<sup>5</sup> Overall, by 1997, youth of color represented the majority of youth in detention in 30 of the 50 states.<sup>6</sup> These thirty states contain 83% of the U.S. population.<sup>7</sup> Currently, approximately 4 out of every 5 new youth detained in the juvenile justice system are youth of color.<sup>8</sup> Therefore, I am pleased that you saw fit to accept my testimony on the importance of the DMC requirement of the JJDPa.

If this over-representation was offense driven, these statistics would be alarming but not need a federal statutory response. However, research indicates that youth of color receive more severe sanctions than white youth, even when charged with the same category of offense. For example, although white youth make up 76% of referrals to court for drug offenses, they represent only 62% of those detained. In contrast, African-American youth make up 22% of referrals to court for drug offenses, but 36% of those detained.<sup>9</sup> In 2003, about 3 in 4 (77%) of drug cases involving African-American youth were formally processed while only half of those cases involving white youth were formally processed.<sup>10</sup> The disparity remains in the disposition of drug offenses. For example, in 2003 White youth represented 73% of youth adjudicated delinquent for drug offenses but 58% of youth sent to out of home placement and 75% of youth whose case resulted in probation. Conversely, African Americans youth, who represented 25% of the youth adjudicated delinquent for drug offenses, represented 40% of the sent to out of home placement but only 22% of youth whose case resulted in probation.<sup>11</sup>

#### LOCAL TUCSON EFFORTS

The national statistics I just mentioned are similar to what we experience in Tucson. Youth of color comprise 47% of our court aged population but are detained at a rate of 67%. Since 2004, my department has been participating in a collaboration of stakeholders that came together to analyze the root causes of this dynamic. We have engaged the W. Haywood Burns Institute and the Juvenile Detention Alternatives Initiatives (JDAI) to determine if this over-representation is offense driven or the result of other factors. We have learned that to effectively reduce racial and ethnic disparities, a coordinated body of juvenile justice and community stakeholders must engage in an intensive, data-driven examination of juvenile justice policies, practices and procedures that may disparately impact youth of color.

Essential to the success of our work has been the collaboration of police, prosecutors, probation, public defenders, schools, community service providers and the courts. We conducted an in depth examination of how all juvenile justice departments and agencies interrelate as well as how our various departmental policies and practices may be contributing to disproportionality. Furthermore, we have developed and implemented a strategic plan that focuses specifically and intentionally on reducing racial and ethnic disparities in the juvenile justice system with measurable results. The goals of this plan included:

- ensuring that all key decisions affecting youth in the juvenile justice system are based on criteria that are demonstrably objective and race-neutral;
- that only youth who meet this criteria are detained;
- that we develop alternatives to detention in collaboration with families and community stakeholders;
- that we develop community dialogue regarding racial and ethnic disparities in they system; and
- that we develop and implement an ongoing plan for detention self-assessment.

Indeed, we are proud to report measurable results with all of these goals. Among other successes:

- We have implemented two alternatives to detention programs located in communities in which youth of color are disproportionately represented in the juvenile justice system;
- We have decreased arrests for African American, Latino and Native American youth;
- We have reduced the average daily population in our juvenile detention facility of both African American and Native American youth; and
- We have reduced the average length of stay in our juvenile detention facility for African American, Latino and Native American youth.

The successes in Pima County's effort to reduce racial and ethnic disparities in the system would not have been possible without the specific and intentional focus on racial and ethnic disparities.

While there is no doubt that poverty and related issues outside the control of law enforcement can be a significant contributor to delinquent behavior, we endeavor to examine if the way the Tucson Police Department does business exacerbates over-representation. Indeed, we knew that two jurisdictions in the country—Portland, OR and Santa Cruz, CA—reduced their over-representation of youth of color in the juvenile justice system, lowered their youth crime rate and saved taxpayers millions of dollars by participating in a similar process.

As the Chief of Police for our great City, I want to assure that our exemplary officers dispatch their duty to serve the citizens of Tucson with fairness and equity. I want to lead a department that clearly demonstrates that youths' race/ethnicity or place of residence does not determine the way justice is administered by our officers. It is for this reason that we have embarked on a project to examine attitudes, policies and

practices regarding arrest and referral of youth throughout the Tucson Police Department.

I am proud to tell the Committee that we are the first Police Department in the country to engage in this level of self-examination.

Specifically, in conjunction with the Burns Institute we are:

- Developing and implementing a qualitative survey on officer attitudes and perceptions about the causes of over-representation of youth of color in the juvenile justice system and their role in reducing the over-representation;
- Mapping and analyzing decision points within the Tucson Police Department to determine where youth of color have the most contact with law enforcement;
- Measuring the impact of those decision points on youth of color; and
- Comparing this information with the policies and practices within the juvenile probation department and the juvenile courts.

We are in the early phases of this work and anticipate surveying approximately 1/3 of the officers in the department by the end of December. This first ever comprehensive examination of how the TPD interacts with children and families in trouble with the law reflects our commitment to operating a department that is innovative and responsive to the community. I look forward to continuing our work with the foremost expert on this type of work— the W. Haywood Burns Institute—well into 2008.

I mention what we are doing about over-representation in the Tucson Police Department because our work through my leadership reflects the level of intentionality that is needed to address racial/ethnic disparities in the youth justice system. In my opinion, the JJDP is one of the most important legislative vehicles setting juvenile justice policy throughout the nation. Indeed, the federal dollars and legislative mandates set the agenda for what happens in the states, counties and cities.

By enhancing the core requirement of the JJDP regarding disproportionality in the juvenile justice system, you are making a statement that you recognize the intentionality necessary to reduce racial and ethnic disparities in the system and are make this work a national priority. You are giving states, counties and cities the direction and incentive to follow Tucson's lead.

#### **ENHANCING THE JJDP**

In 2002, Congress reauthorized the JJDP and required states to examine youth of color over-representation at specific, individual decision points of "contact" within its respective juvenile justice systems, instead of merely confinement.<sup>12</sup> We know, however, that examining decision points is not enough. For decades now we have

seen research indicating that disproportionality exists. Now, we must take action based on the data.

Taking action based on data in no way suggests that the collection and analysis of reliable data is not critical to effectively reducing racial and ethnic disparities. In fact, the successes illustrated in Pima County would not be possible without the commitment of juvenile justice stakeholders using data to identify where racial and ethnic disparities exist in our juvenile justice system and to track and analyze these disparities, using descriptors disaggregated as appropriate by race, ethnicity, gender, geography, offense, delinquency history and age. It was based on these analyses that we developed our goals and work plan.

Moreover, we realize that not all jurisdictions are where they need to be with regard to the collection of data on race and ethnicity. For example, many states and jurisdictions cannot measure the extent of overrepresentation of Latino youth because their data systems do not count or track Latino youth accurately. Many jurisdictions fail to separate youths' race from their ethnicity. For example, they may ask youth only whether they are White, Black, Native American, Asian or Other. As a result, Latino youth are often misidentified as White youth. Consequently, Latino youth are often under-counted and white youth are often over-counted; making disparities in the juvenile justice system appear less significant than they really are.<sup>13</sup>

Tucson, like other cities around the country has seen an increase in the overrepresentation of youth of color involved in the juvenile justice system and many officials are at a loss about what to do. In Tucson, we have an active commitment to the collection and analysis of reliable data that tells us about that increase. More importantly, though, we have an active commitment to looking behind the statistics at the youth and families that are implicated by system involvement. We commit to taking action based on these data. I believe that the reauthorization of the JJDPa should encourage other jurisdictions to do likewise.

Currently, the JJDPa only requires that states "address" DMC. It does not require oversight of DMC reduction efforts, mapping of critical decision points, accurate collection of relevant data, development of work plans with measurable objectives, or regular monitoring, evaluation, and reporting. This vague requirement that states "address" efforts to reduce DMC has left state and local officials without a clear mandate or guidance for reducing racial and ethnic disparities. Jurisdictions need to approach work to reduce disparities with focused, informed, data-driven strategies.<sup>14</sup> Otherwise, jurisdictions can get stuck studying the problem or endlessly working on projects that do not lead to measurable changes.<sup>15</sup>

For example, according to the OJJDP Technical Assistance Manual, designed to provide support for states receiving federal Formula Grant funding to amend DMC in their respective jurisdictions,<sup>16</sup> DMC is broken down into four phases: (1) Identification to determine the extent to which DMC exists;<sup>17</sup> (2) Assessment to assess the various reasons for DMC;<sup>18</sup> (3) Intervention to develop and implement intervention

strategies to address the identified reasons;<sup>19</sup> and (4) Evaluation to evaluate the effectiveness of the chosen intervention strategies.<sup>20</sup> Despite this effort, and various local agencies across the country collecting juvenile data, few jurisdictions have moved beyond the "Identification" and "Assessment" phase.

This has resulted in "intervention strategies" reported to OJJDP that fail to directly target DMC. Mentoring programs and cultural diversity trainings comprise a high percentage of states' DMC reduction implementation strategies. While these types of state "programs" involve youth of color in some way, their impact on reducing DMC is attenuated at best. After 10 years we have learned that a direct, intentional approach is necessary.

Thus, I propose that the reauthorization of the JJDP require that states engage in specific approaches to address racial/ethnic disparities while maintaining public safety. I recommend doing this by strengthening the core protection by replacing the current requirement that States "address DMC" to language that require that local juvenile justice and community stakeholders engage in policy, practice, and system improvement strategies at the local and state levels that are specifically and intentionally designed to reduce racial and ethnic disparities throughout the juvenile justice system.

Just as we have done in Pima County, the strategy must include the collaboration of local juvenile justice stakeholders, including community leaders of communities in which youth of color are disproportionately represented in the juvenile justice system.

The strategy must include the mapping local and state juvenile justice systems to identify key decision points and how departmental policy, practice and procedure may disparately impact youth of color and be contributing to disproportionality.

The strategy must include the development and implementation of data systems that identify where racial and ethnic disparities exist in the juvenile justice system and track and analyze such disparities, using descriptors disaggregated as appropriate by race, ethnicity, gender, geography, offense, delinquency history and age.

The strategy must include the development and implementation of a work plan to reduce racial and ethnic disparities that includes measurable objectives for system change and/or policy and practice change designed to reduce any forms of bias, differential treatment of youth of color or disparity found to be associated with race and ethnicity; and

Moreover, to ensure compliance, these efforts must publicly report and progress towards measurable objectives in reducing racial and ethnic disparities must be monitored and evaluated on an annual basis.

Thank you for the opportunity to address you regarding this critical issue. In Pima County, we have realized that reducing racial and ethnic disparities in the juvenile

justice system while maintaining public safety is possible. We also know that it is only possible by implementing the strategies enumerated above.

In closing, all of law enforcement officers take an oath that commits them to expectation of fairness and a lack of prejudice in administration of justice. I am confident that we in law enforcement are taking every step possible to meet that expectation, and on a daily basis, police officers throughout the country demonstrate that dedication to the office. However, introspection and innovation must be tenets that are part of every police department's charge. When issues and problems come forward from our community members we must be responsive and develop conduits of communication that reflect remedy towards enhancing the quality of life for all citizens of our cities- irrespective of their race, ethnicity or what side of town they reside in. Through the extension of funding of for the Juvenile Justice and Delinquency Prevention Act, we in law enforcement can continue to meet the mandates and goals of making our nations youth contributing members of our great country.

I am happy to answer any questions you might have regarding my testimony.

<sup>1</sup> National Council on Crime and Delinquency. 2007. "And Justice for Some: Differential Treatment of Youth of Color in the Justice System." Oakland, CA: National Council on Crime and Delinquency, available at [http://www.nccdcrc.org/nccd/pubs/2007jan\\_justice\\_for\\_some.pdf](http://www.nccdcrc.org/nccd/pubs/2007jan_justice_for_some.pdf) (last visited November 29, 2007).

<sup>2</sup> Snyder, H., Puzzanchera, C., and Adams, B. (2007). National Disproportionate Minority Contact Databook. Developed by the National Center for Juvenile Justice for the Office of Juvenile Justice and Delinquency Prevention. Online. Available: <http://ojjdp.ncjrs.gov/ojstatbb/dmcd/b/>. It should be noted that because of data collection limitations, ethnicity is not reflected in the National Disproportionate Minority Contact Databook. Thus, Latino youth, who comprise a significant portion of both the youth population and youth in contact with the juvenile justice system, are included within and not counted distinctly from White, Black, American Indian or Alaskan Native and Asian, Hawaiian, or Pacific Islander youth.

<sup>3</sup> Eleanor Hinton Hoytt, Vincent Schiraldi, Brenda V. Smith & Jason Ziedenberg, *Reducing Racial Disparities in Juvenile Detention: 8 Pathways to Juvenile Detention Reform*, 10, (Feb 3, 2002), available at <http://www.aecf.org/upload/PublicationFiles/reducing%20racial%20disparities.pdf> (last visited on November 29, 2007).

<sup>4</sup> *Fact Sheet*, BUILDING BLOCKS FOR YOUTH, available at <http://www.buildingblocksforyouth.org/issues/conditions/facts.html> (last visited November 29, 2007).

<sup>5</sup> Bill Rust, "Juvenile Jailhouse Rocked," *AdvoCasey* (Baltimore, MD: Annie E. Casey Foundation, Fall/Winter 1999), available at [http://www.aecf.org/upload/PublicationFiles/advocasey\\_fall1999.pdf](http://www.aecf.org/upload/PublicationFiles/advocasey_fall1999.pdf) (last visited November 29, 2007).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Vincent Schiraldi and Jason Ziedenberg, "Reducing Disproportionate Minority Confinement: The Multnomah County, Oregon Success Story and its Implications." Center on Juvenile and Criminal Justice. 2002, available at <http://www.cjcj.org/pubs/portland/portland.html> (last visited on November 29, 2007).

<sup>9</sup> National Council on Crime and Delinquency. 2007. "And Justice for Some: Differential Treatment of Youth of Color in the Justice System." Oakland, CA: National Council on Crime and Delinquency, available at [http://www.nccdcrc.org/nccd/pubs/2007jan\\_justice\\_for\\_some.pdf](http://www.nccdcrc.org/nccd/pubs/2007jan_justice_for_some.pdf) (last visited November 29, 2007).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*



<sup>12</sup> The 2002 reauthorization of the JJDPa changed the standard methodology for determining DMC in the juvenile justice system from *Disproportionate Representation Index* (DRI) to *Relative Rate Index* (RRI). RRI has been celebrated as a more accurate methodology of DMC than DRI when it is used to compare youth of color to White youth populations as a whole. While RRI may be more accurate in general, when used to compare youth of color to White youth at a particular point of contact, the RRI methodology only compares the percentage of White youth and youth of color at each decision point of the juvenile justice system to the percentage of White youth and youth of color at the previous point, failing to take into account the youth population as a whole.

<sup>13</sup> Francisco A. Villarruel, Nancy Walker, et al., *¿Dónde Está la Justicia? A call to action on behalf of Latino and Latina youth in the U.S. justice system*, July 2002, p. 5-7.

<sup>14</sup> W. Haywood Burns Institute, <http://www.burnsinstitute.org/reducing.html>.

<sup>15</sup> W. Haywood Burns Institute, [http://www.burnsinstitute.org/img/brochure\\_1105.pdf](http://www.burnsinstitute.org/img/brochure_1105.pdf).

<sup>16</sup> Hsia, H., Wilson, M., Wilson, K., & Frabutt, J. M. (2006). Federal, state and local efforts to reduce disproportionate minority contact. In *Disproportionate minority contact technical assistance manual, 3rd edition* (pp. 6.1-6.26). Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. Available online at: [http://www.ncjrs.gov/html/ojjdp/dmc\\_ta\\_manual/index.html](http://www.ncjrs.gov/html/ojjdp/dmc_ta_manual/index.html) (last visited on November 29, 2007).

<sup>17</sup> The purpose of the Identification Phase is to determine if youth of color are overrepresented in the State's secure facilities. This is completed through data collection of the number of youth involved at every point of contact with the juvenile justice system.

<sup>18</sup> The Assessment Phase of the DMC process requires a more in-depth look at and understanding of the discrepancies between White youth and youth of color at the various decision points in the juvenile justice system. The focus of the Assessment Phase is on *why* overrepresentation exists.

<sup>19</sup> The Intervention Phase involves devising and implementing strategies to reduce youth of color overrepresentation. While identification and assessment activities are generally more the purview of the State, the bulk of planning and implementing *solutions* to DMC necessarily shifts to the targeted communities.

<sup>20</sup> The Evaluation Phase analyzes State initiatives' ability to reduce DMC and is essential to determining the effectiveness of DMC efforts.



**Reauthorization of the Juvenile Justice and Delinquency Prevention  
Act: Protecting Our Children and Our Communities**

December 5, 2007

Senator Arlen Specter  
Opening statement

I thank Chairman Leahy for convening this hearing in anticipation of the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPa).

Our nation's children are our greatest resource. Unfortunately, there are many factors that make it difficult for children to reach their full potential and to lead healthy, happy, and productive lives. Many children grow up in single parent homes where their mother or father works long hours; they often live far away from their extended families; and they lack meaningful connections to their churches, synagogues, mosques, and communities. Our children also live in an increasingly dangerous world – tormented by escalating crime, violence, and delinquency, where dropout and truancy rates are on the rise. In 2003, 5,570 young people ages 10-24 were murdered – an average of 15 youth homicide victims every day. More than 772,500 juveniles are members of gangs. The nationwide dropout rate exceeds 30%. Experts have estimated that the direct and indirect cost of youth violence exceeds \$158 billion every year. Every year, nearly 1.6

youth are charged with a delinquency offense and become involved in the juvenile justice system.

As sobering as these statistics are, they do represent an opportunity for local, state, and federal government to implement targeted and effective policies to decrease the rates of violence and delinquency. The most important federal legislation in this area is the Juvenile Justice and Delinquency Prevention Act of 1974. The Act, which was reauthorized most recently in 2002, (1) established grant programs focused on preventing juvenile delinquency and rehabilitating juvenile offenders; (2) established “core requirements” that states are required to include in their juvenile justice systems in order to receive grants; and (3) created an office within the Department of Justice to administer federal efforts on juvenile justice.

As we in Congress confront the reauthorization of this vital piece of legislation, a number of important issues must be examined. Among those issues is: whether changes are needed to encourage states to reduce disproportionate minority representation in the juvenile justice system and ensure that juveniles do not have contact with adults while in detention; whether only evidence-based practices should be permitted; how mental health care and substance abuse prevention should be handled in the juvenile context; and how to streamline the grant programs.

Since the last reauthorization in 2002, there have been tremendous advancements in research, including evidence-based examinations of delinquency prevention and intervention strategies and thorough examinations of State implementation of the core requirements of the Act. The witnesses at today's hearing have done an excellent job of laying out some of these key findings in a manner that will enable Congress to apply the findings to our reauthorization of the Act.

I am proud that my own state of Pennsylvania, which is represented at today's hearing by Ann Marie Ambrose, the Director of Child Welfare and Juvenile Justice Services, is at the forefront of advancing juvenile justice policy. The Pennsylvania Juvenile Justice and Delinquency Prevention Committee – the State Advisory Group encouraged by the JJDP Act – was established in 1978 and has successfully and consistently brought together professionals from law enforcement, youth-serving organizations, education and schools, and community leaders to develop and implement delinquency prevention and juvenile justice policies.

Pennsylvania was chosen by the MacArthur Foundation as the site for the Foundation's "Models for Change" initiative, which focuses on enhancing aftercare and mental health services for juveniles and in

addressing disproportionate minority contact within the juvenile justice system.

In addition to the successful delinquency prevention strategies identified by the MacArthur Foundation and testified to by our expert witnesses today, I believe that mentoring is an excellent tool for preventing youth from becoming involved in crime and violence. Adult mentors have the ability to bring compassion, caring, opportunity, and hope to children growing up in difficult environments. Mentoring relationships have been proven to steer children away from the dangers of gangs, violence, and crime and toward a productive and happy adulthood. The presence of a caring adult in a child's life builds self-confidence and provides the guidance that a child needs to make decisions that will improve their futures. Mentored youth are 46% less likely to start using drugs and alcohol, 33% less likely to act violently, and more likely to graduate from high school, go on to college, and become a productive member of the workforce. In fact, 85% of mentored youth go on to higher education. Yet despite the evident successes of mentoring, only eight percent of young people ages 6 to 17 have a formal mentor in their lives.

Because of the great promise that mentors hold, I have launched a campaign for mentors across the state of Pennsylvania. I am working with

volunteer organizations, school systems, faith-based organizations, and athletic teams in a quest to provide a mentor for every child who needs one. I am working to ensure that the federal government provides Pennsylvania with the resources it needs to expand existing successful mentoring programs, to create new mentoring programs, and to get adult volunteers involved as mentors.

As part of this initiative, I have held a series of community meetings aimed at bringing together law enforcement, prevention and intervention specialists, educators and community activists across Philadelphia to enhancing mentoring and address youth violence through intervention and prevention. These meetings have been held in Philadelphia, Reading, Lancaster, York, and Pittsburgh and have been tremendously successful at encouraging collaboration among key stakeholders in the juvenile justice arena.

I thank our witnesses for coming and look forward to their testimony.