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**Testimony Re: Juvenile Justice and Delinquency Prevention Act
United States Senate Committee on the Judiciary
June 9, 2014**

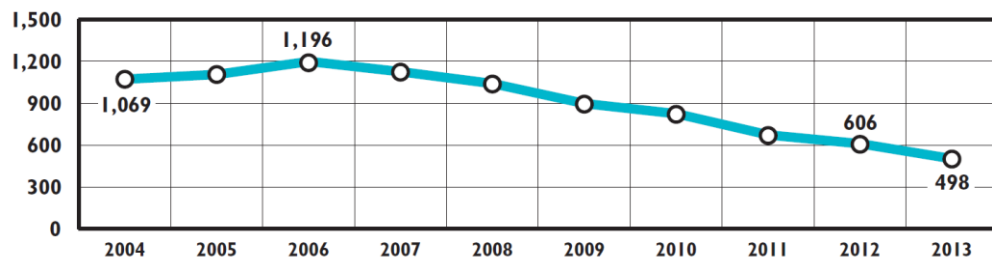
Elizabeth Burke Bryant, Executive Director

Thank you to Chairman Leahy, Senator Whitehouse, and members of the Senate Committee on the Judiciary for inviting me to testify regarding the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP). I would also like to extend my appreciation to Administrator Listenbee for his leadership at the Office of Juvenile Justice and Delinquency Prevention and his visit to Rhode Island, as well as to Br. Michael Reis and Tides Family Services for hosting this important hearing.

As an organization working to strengthen communities and improve the lives of youth and their families in Rhode Island, Rhode Island KIDS COUNT asks the Committee to reauthorize the JJDP.

States across the country, including Rhode Island, have made considerable progress reducing the use of incarceration for juveniles over the past several years. In 2010, the latest year for which national data are available, the rate at which states hold youth in secure confinement reached an over 35-year low, with almost every state reducing the number and percentage of youth held in secure facilities.

**Juveniles in the Care and Custody of
the Rhode Island Training School, Calendar Years 2004-2013**

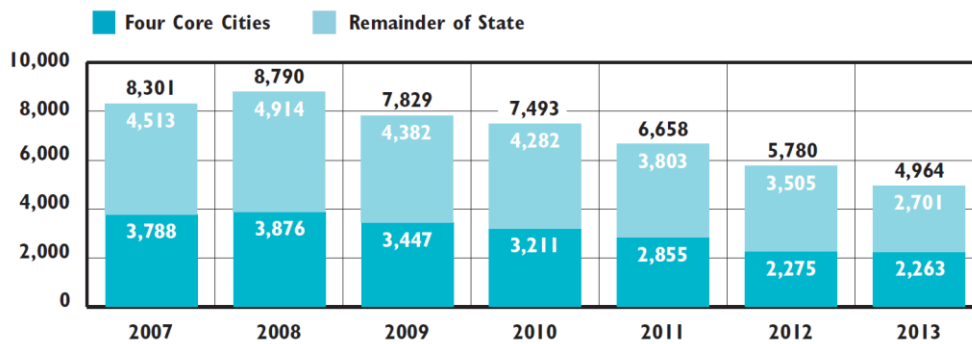


- Between 2004 and 2013, the annual total number of youth in the care and custody of the Rhode Island Training School during the course of the year declined from 1,069 to 498. Some of this decline is due to the cap that was placed on the population at the Training School in July 2008 of 148 boys and 12 girls on any given day. The population has further declined by 44% between 2009 and 2013. The new facility, which was filled to capacity when it opened in 2009, had an average daily population of 83 youth during the first quarter of 2014.

Crime has fallen sharply over the past decade as juvenile justice systems have utilized more effective intervention strategies. In Rhode Island, the number of youth referred to Family Court for wayward and delinquent offenses declined 45% between 2007 and 2013, from 5,275 to 2,926. During the same period, the number of juvenile offenses declined by 40%, from 8,301 to 4,964.

The use of community Juvenile Hearing Boards and the Family Court’s diversionary program have been instrumental in preventing low-level and first time offenders from the formal juvenile justice system. For youth who become formally involved in the system, there is a growing recognition in Rhode Island that they can often be better served in the community utilizing alternatives to incarceration.

Juvenile Wayward/Delinquent Offenses Referred to Rhode Island Family Court, 2007-2013

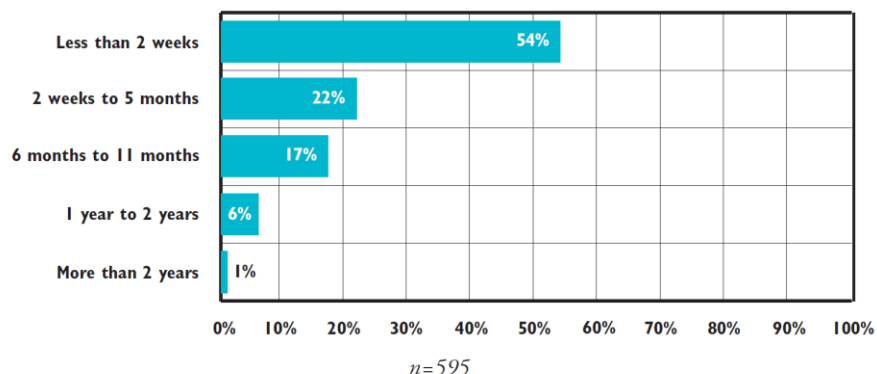


- Between 2007 and 2013, juvenile offenses committed by youth in Rhode Island fell by 40%.

In 2009, Rhode Island juvenile justice stakeholders joined in partnership with the Annie E. Casey Foundation to become a statewide Juvenile Detention Alternatives Initiative (JDAI) site. JDAI promotes the vision that youth involved in the juvenile justice system are best served using proven, family-focused interventions, and creating opportunities for positive youth development. JDAI is now active in over 250 sites in 40 states throughout the country.

The Rhode Island JDAI effort, coordinated by Rhode Island KIDS COUNT, includes the support and participation of the Family Court, the Department of Children Youth and Families, the Office of Attorney General, the Public Defender’s Office, and many dedicated social service providers. Together, we have used JDAI’s strategies to focus on reducing unnecessary and inappropriate use of secure confinement and enhancing community-based alternatives to detention. Like many states, Rhode Island has work left to do to develop a comprehensive array of services that can prevent the need for overnight and brief stays in detention while appropriate alternatives are found.

Discharges From the Rhode Island Training School, by Length of Time in Custody, Calendar Year 2013



- During 2013, more than half (54%) of stays at the Rhode Island Training School lasted less than two weeks.

The positive trends that are occurring in Rhode Island and other states can be reinforced and supported by updating the JJDP, which establishes minimum standards and provides critical funding for state and local juvenile justice systems. The JJDP was last reauthorized in 2002, but few changes were made at that time. More than a decade later, much more is known about what works and does not work to keep our communities safe and provide more opportunities for young people.

We recommend that the JJDP reauthorization include the following policy improvements:

- Keep youthful offenders and adult offenders separate. The JJDP requires “sight and separation” of juvenile and adult offenders held in secure facilities; however, this protection is not extended to youth tried or punished as adults. The reauthorization of the JJDP should require states to house youth charged or convicted as adults in juvenile facilities until they reach adulthood.
- Prevent the confinement of status offenders by strengthening the Deinstitutionalization of Status Offenders (DSO) core protection, which prohibits the locked detention of status offenders. In recent years, many jurisdictions throughout the country have allowed the confinement of status offenders who violate a court order (e.g., court orders not to truant). We recommend that this “Valid Court Order” exception be eliminated.
- Strengthen the Disproportionate Minority Contact (DMC) core protection by requiring States to take concrete steps to reduce racial and ethnic disparities in the juvenile justice system. We recommend that states be required to use data to plan and implement strategies to reduce DMC and publically report on progress.
- Provide safe and humane conditions of confinement for youth in state or local custody by prohibiting use of JJDP funds for dangerous practices and encouraging states to adopt best practices and standards to eliminate dangerous practices and unnecessary isolation.
- Provide a research-based continuum of mental health and substance abuse services to meet unmet needs of court-involved youth and their families, including diversion and re-entry services.
- Establish accountability measures and data collection requirements that incentivize the timely transfer of educational records and communication with a youth’s home school district/LEA so they do not lose school credit while they are incarcerated. These measures should also require that states demonstrate that incarcerated youth are re-enrolled back in their schools/LEA’s or other career training upon release.
- Assist States in compliance with the JJDP by establishing incentive grants to encourage States to adopt evidence-based and/or promising practices that improve outcomes for youth and their communities. For States that are deemed to be out of compliance with any of the core protections, Congress should require any JJDP funds withheld for non-compliance to be set aside and made available to those States as improvement grants to help them with those particular protections.
- Enhance the partnership between States and OJJDP by expanding training, technical assistance, research and evaluation. Enhance the partnership between OJJDP and Congress by encouraging transparency, timeliness, public notice, and communication.

- Incentivize juvenile justice systems to ensure that all policies, practices, and programs recognize the unique needs of girls. Girls in the juvenile justice system enter with different personal and offense histories and needs than their male peers. Effective programs for girls in the juvenile justice system promote healing from trauma and abuse, address mental and physical health issues, and meet the needs of pregnant and parenting girls.

Thank you Senator Whitehouse for your life-long commitment to juvenile justice reform. And thank you to all of the members of the Committee for the opportunity to testify today and for all of your work to improve the lives of youth involved in the juvenile justice system.

As I close, I would like to especially thank you for conducting this hearing at Tides Family Services. Brother Michael and his staff are doing extraordinary work with youth and their families to help young people have a chance for a successful future. The work Br. Michael and team do is life-saving work, and so is the work you are doing to improve the Juvenile Justice and Delinquency Prevention Act through reauthorization.