

S. HRG. 113-789

**THE JUVENILE JUSTICE AND DELINQUENCY
PREVENTION ACT: PRESERVING POTENTIAL,
PROTECTING COMMUNITIES**

HEARING

BEFORE THE

**COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

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JUNE 9, 2014
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**THE JUVENILE JUSTICE AND DELINQUENCY
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PROTECTING COMMUNITIES**

MONDAY, JUNE 9, 2014

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

The Committee met, pursuant to notice, at 9:09 a.m., at the Tides Family Services, 242 Dexter Street, Pawtucket, Rhode Island, Hon. Sheldon Whitehouse, presiding.

Present: Senator Whitehouse.

**OPENING STATEMENT OF HON. SHELDON WHITEHOUSE,
A U.S. SENATOR FROM THE STATE OF RHODE ISLAND**

Senator WHITEHOUSE. This hearing of the Senate Judiciary Committee will come to order, which is easy for me to do since I am the only Member present, so I bring myself to order.

[Laughter.]

Senator WHITEHOUSE. It is terrific to be here with everyone. I want to particularly thank Brother Michael Reis and the staff at Tides Family Services for hosting us here today and for the extraordinary work they do with young people here in Rhode Island.

This is a field hearing of the Senate Judiciary Committee on the Juvenile Justice and Delinquency Prevention Act. It is a pleasure for me to chair this here in Rhode Island and showcase some of the strides that Rhode Island has taken when it comes to juvenile justice and to examine what more can and should be done as we reauthorize this piece of legislation.

I am very honored—I will mention our witnesses later when they come on, but in addition to a very distinguished panel of Rhode Island witnesses, I am very honored that we are joined by United States Attorney Peter Neronha, by State Senator Roger Picard, by Chief Brian Sullivan from Lincoln, Chief Paul King here from our city of Pawtucket—where this hearing is taking place—Chief James Mendonca from Central Falls, Chief Stephen McCartney from Warwick, Superintendent Giovanna Donoyan from Woonsocket, and former chief and former head of the Bureau of Criminal Investigation Vin McAteer. And I would also recognize Teny Gross, whose Institute for the Study and Practice of Non-violence does such terrific work with young people on our streets as well. But everybody here has expertise and something to contribute when it comes to juvenile justice, so I appreciate very much that you are all here.

We are here to try to make sure that we can do our best to keep kids out of youthful trouble, both by helping ensure that they have the opportunity to achieve their potential and become productive adult members of society.

Juvenile justice is largely a province of the States, but the Federal Government has an important role to play in guaranteeing certain standards for the care and custody of youth. The Juvenile Justice and Delinquency Prevention Act, which we call "JJDP," is the most important piece of Federal legislation in this area. It authorizes Federal resources for States and communities seeking to improve their juvenile justice systems and prevent children from coming into contact with those systems in the first place.

The legislation celebrates its 40th birthday this summer, but it has not been reauthorized since 2002, so there are 12 years of more experience that has not yet been incorporated in this legislation. Reauthorization would allow us the chance to examine current policies in light of recent experience, and I plan to introduce bipartisan legislation to do that very soon.

This hearing will bring Rhode Island voices formally into that process, and with these terrific witnesses, we have a lot to add.

When JJDP was enacted in 1974, the legislation established four core protections: the deinstitutionalization of status offenders, removal of most juveniles from adult jails, sight and sound separation from adults for those juveniles who are placed in adult facilities, and a requirement to assess and address disproportionate minority contact with the juvenile justice system.

I look forward to hearing from our witnesses how the four core protections should be updated or strengthened. Do they adequately take into account the needs of all vulnerable populations? Should we do more to ensure that mental health and substance abuse needs are addressed through State juvenile justice systems? Can detained youth continue their education without undue interruption? These are some of the questions I hope Rhode Island experience can help answer.

As a former prosecutor, I understand the importance of holding individuals accountable for their conduct. However, I also know that when we are talking about young offenders, the evidence shows that treating them like adults and incarcerating them like adults increases the likelihood that they will reoffend in the future. Scientific research has shown that adolescent offenders are not like adult offenders and that risk-taking activity, including criminal activity, is often a transient characteristic of adolescence itself.

We know that up to half of all juvenile offenders have experienced trauma, with incidences of PTSD particularly high among girls, and we know that as many as 70 percent of adolescents in the juvenile justice system have diagnosable mental health needs, and as many as 80 percent have a history of substance abuse.

We know that minorities continue to be overrepresented in the juvenile justice system, and we know that when a youth is suspended or expelled from school, that youth's likelihood of becoming caught up in the justice system increases significantly.

We know that a strong juvenile justice system should include a continuum of care that incorporates developmentally appropriate placement, comprehensive mental health and substance abuse serv-

ices, opportunities for continuity in education, and effective reentry planning.

I am proud to say that Rhode Island is experiencing a downward trend in the number of youths referred to family court for wayward and delinquent offenses, as well as a steep decline in the number of youths placed in the care or custody of the Training School, our secure facility for youth in the juvenile justice system. Alongside the decrease in incarceration, crime has fallen sharply in this population as a result of the use of such alternative strategies.

I want to thank Chairman Leahy of the Senate Judiciary Committee for authorizing this hearing to take place in Rhode Island and for his support for reauthorization of the JJDP.

I also want to thank Ranking Member Grassley for his cooperation in planning this hearing.

We welcome Administrator Robert Listenbee from the Department of Justice's Office of Justice Programs' Office of Juvenile Justice and Delinquency Prevention. He has traveled here to participate in this hearing, and he has a longstanding commitment to protect public safety while improving outcomes. And I extend my warm thanks and appreciation to our Rhode Island witnesses, Chief Family Court Judge Haiganush Bedrosian, Elizabeth Burke Bryant, and Osbert Duoa, for their willingness to testify and share their valuable and varied experiences. Your voices and perspectives will help inform our efforts back in Washington.

I look forward to hearing from our witnesses and to working with partners on both sides of the aisle in Washington toward reauthorization legislation that is based on best practices and scientific evidence.

And now, if I could ask Robert Listenbee to come to the microphone and be sworn in. Do you affirm that the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LISTENBEE. I do.

Senator WHITEHOUSE. Please be seated.

Robert Listenbee is the Administrator of the Office of Juvenile Justice and Delinquency Prevention at the Department of Justice's Office of Justice Programs. Before his appointment to OJJDP, Mr. Listenbee was chief of the Juvenile Unit of the Defender Association of Philadelphia for 16 years and was a trial lawyer with the association for 27 years. He was instrumental in creating the Juvenile Defender Association of Pennsylvania. Mr. Listenbee served as co-chair of the Attorney General's National Task Force on Children Exposed to Violence and as a member of the Federal Advisory Committee on Juvenile Justice, which advises the President and Congress. He received his bachelor of arts from Harvard University and his law degree from Boalt Hall School of Law at the University of California, Berkeley, and we welcome him to Rhode Island.

Mr. Listenbee, please proceed with your statement.

**STATEMENT OF ROBERT L. LISTENBEE, ADMINISTRATOR,
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION,
OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT
OF JUSTICE, WASHINGTON, D.C.**

Mr. LISTENBEE. Thank you, Chairman Whitehouse.

To Chairman Whitehouse and other distinguished Members of the Committee, I would like to thank you for this opportunity to discuss juvenile justice reform and the Department of Justice's support for the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

I am, as the Senator indicated, Robert Listenbee, Administrator of the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice's Office of Justice Programs. As you know, and as the Senator indicated, in 1974 Congress enacted the Juvenile Justice and Delinquency Prevention Act which established our office. I am pleased to speak with you today as we approach the 40th anniversary of that landmark legislation.

As a former defender and trial lawyer with nearly 30 years of service, I have dedicated myself to seeking justice for youth involved in the juvenile justice system—a system that often revictimized youth in the name of accountability. We know that a number of factors place youth at a higher risk of entering the juvenile justice system including childhood exposure to violence, mental health problems, substance abuse, and cognitive disabilities.

Research suggests that more than 50 percent of these kids will reoffend and that detention and out-of-home placement can worsen preexisting mental and emotional problems.

During my tenure at the Defender Association of Philadelphia, I created a specialized unit to deal with juvenile sex assault cases and was instrumental in developing three specialty court programs that diverted youth out of the juvenile justice system and reduced their risk of residential placement.

In my role as Administrator, I have drawn from these experiences, and they have informed my priorities and goals for advancing the work of this office.

OJJDP's vision is that of a Nation where all our children are healthy, educated, and free from violence. Should they come into contact with the juvenile justice system, that contact should be rare, fair, and beneficial to them. To implement this vision, I have articulated five major priorities to support State and local efforts: first, maintain public safety; second, adopt a developmental approach to juvenile justice reform; third, integrate evidence-based research in all programs, grants, and initiatives; fourth, reduce youth violence and its impact on children in homes, schools, and communities, while developing programs that address trauma and provide trauma-informed care; and, fifth, reduce disproportionate minority contact and eliminate racial and ethnic disparities.

The Department strongly supports the reauthorization of the Juvenile Justice and Delinquency Prevention Act. OJJDP has worked closely with Congress in support of their efforts to reauthorize the JJDPA. Our office has heard from juvenile justice organizations and practitioners who strongly support juvenile justice reform and reauthorization of the JJDPA.

While much can be accomplished through the reauthorization, there are some very specific items which OJJDP believes are crucial and critical to juvenile justice reform and public safety. Among these are:

Promote the use of evidence-based interventions and prevention programs and provide appropriate services for youth while ensuring safety within communities;

Provide enhancements to the Disproportionate Minority Contact core requirement;

Enhance services and support indigenous and culturally based practices to assist American Indian and Alaska Native at-risk youth;

Improve youth access to qualified legal representation;

Phase out the Valid Court Order exception;

Treat youth charged with minor in possession as status offenders;

Encourage the use of community-based alternatives to detention, especially those charged—where youth are charged with status offenses;

And enhance the availability of juvenile reentry services and provisions that recognize the need for gender-responsive programs.

As Administrator, I believe that OJJDP has a crucial role to play in fostering and encouraging juvenile justice reform. Juvenile justice professionals throughout the Nation have embraced the need for evidence-based practices and adopting developmentally appropriate approaches to juvenile justice reform. OJJDP has embraced this rising tide of system reform and transformation because it is evidence-based, it promotes public safety, and it provides positive outcomes for youth.

In conclusion, I believe we have seen some encouraging trends in the decline in youth in custody, the increase in States' compliance with core requirements, and promising reform efforts by the States. However, there is still much to be done in a number of areas to include the need to address children's exposure to violence; racial and ethnic disparities; and trauma and trauma-informed care, just to name a few. Our office is diligently working with our partners at the State, local, and tribal levels to address these issues. Reauthorization of the Juvenile Justice Delinquency Prevention Act will strengthen the core requirements and provide the necessary funding to support these important juvenile justice programs. I would like to thank you for the opportunity to testify before the

Committee on this important issue. I would also like to thank the U.S. Attorney, Providence officials, Pawtucket officials, and Brother Michael Reis of the Tides Family Services for welcoming us here today.

Thank you.

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

Senator WHITEHOUSE. Thank you very much, Mr. Listenbee.

I overlooked, which is really bad of me, mentioning Magistrate Angela Bucci Paulhus, who was here from the very beginning, who used to work for me in the Attorney General's office, and we worked together in the Attorney General's office as well, so I want to recognize her.

And I also want to recognize a former DCYF Director, Linda D'Amario Rossi, who has come, and she, in addition to being a former DCYF Director, is also the Chair of the Board of Tides. So, Linda, thank you very much for being here.

Mr. Listenbee, you have mentioned some very specific changes that you would propose that we incorporate in the legislation. In terms of the implementation of the VCO sanction, do you see any adult models in probation that make sense to use as a template?

Mr. LISTENBEE. Well, Senator, in terms of the valid court order exception, this is a provision that allows for status offenders to be held accountable by judges if they fail to comply with judicial orders. Our goal in this matter is to phase out the valid court order exception so that there is an opportunity for everyone to become familiar with the new rules and regulations. We would also like to stress that during the time that this phase-out is occurring, no child should be held in excess of 7 days during the phase-out period.

Specifically, Senator, I am not familiar with any adult practices that provide really good models at this time. If there are some, we would hope that the field and representatives from throughout Rhode Island and other places will provide us with some information on them. We would certainly like to take a look at them.

Senator WHITEHOUSE. Okay. It is somewhat of an analogy with a probation violation for an adult offender in that you can be brought in very quickly and incarcerated for a violation of probation or a violation of a valid court order, correct?

Mr. LISTENBEE. Correct, Your Honor. I mean, correct, Senator.

Senator WHITEHOUSE. Too long in a courtroom, Mr. Listenbee.

[Laughter.]

Mr. LISTENBEE. Senator, I spent a lot of years in a courtroom handling thousands of cases, so it does come as a reflex.

Senator WHITEHOUSE. Take a look at the HOPE program in Hawaii that was run by Judge—I want to say—I have got Almey on the brain, but that is Steve Almey who drives me. He has got a name very like that. He was the U.S. Attorney in Hawaii when I was there, and I will get you his name. It has, I think, been very effective in probation violation by making the system much more rapid and responsive. Quick, small sanctions seem to work better than a lot of process, and then a big sanction. And treads more lightly on both the individual before the court and the system and the taxpayer. So we will work with you on that.

Mr. LISTENBEE. Senator, one of the experiences I had was the creation of a graduated response court for young people who violate and were charged with violating probation, technical violations of probation, and, again, in that situation it was for rapid response, graduated, so there was not immediate custody for the child. And I think these kinds of responses worked very well with young folks, as long as you have a continuum of responses that are appropriate and age-appropriate for the young people we are dealing with.

Senator WHITEHOUSE. We are seeing a cultural shift in terms of how our country perceives addiction to alcohol and drugs. A lot of the shame and stigma is going away, and the success of recovery programs is becoming clearer and clearer. And I am working on recovery legislation, recovery and rehab legislation in Washington right now.

What should we be looking at, do you think, in terms of—we have had a drug court here that has worked very effectively in Rhode Island, and we have other interventions like a new veterans

court that provide a diversion into recovery services very quickly. That seems to me to be a good process. Are there different considerations that the Department perceives when dealing with juveniles?

Mr. LISTENBEE. Senator, with juveniles, I think one of the most important things we can do is when juveniles come in contact with the system, very early on have appropriate assessments to determine what their needs are. If their needs involve addictions, we need to make sure that they get to the right place at the right time to get the right services to address those addiction issues.

Among the possibilities certainly are drug courts. Juvenile drug courts have come a long way. We have been focusing on these issues within the Office of Juvenile Justice and Delinquency Prevention within the last year. We brought together researchers and practitioners to develop standards and practices and procedures that are age-appropriate for juveniles. So we are working to develop models that actually work and that can be replicated throughout the Nation. We are very fortunate to have funding from Congress for this issue, and we anticipate going forward that we will be able to be very successful in this area.

But, again, early assessment, identification of the issue, and appropriate treatment with the right kind of services at the right time is really what is critical. And we know that if we do it early on, we are not as likely to have young people come back into the system if this issue is addressed.

I was very fortunate to have worked to help create a drug court with prosecutors and law enforcement in Philadelphia, and we have had over 1,000 kids go through the program. One of the most exciting things I have seen in my entire tenure as a public defender was graduation day at drug court where you would see young people come and indicate to the court how important it was for them to have been through the process, even though many of them went into placement for short periods of time, and also to see their families there and to recognize that they were getting their kids back.

Senator WHITEHOUSE. When you have spent some time in the courtroom, the difference between the outcomes of the individual before the court going out the back door in silence and in manacles and going back out the front door of the courtroom surrounded by cheering family and friends is a remarkable contrast, and it is something that, when you have seen both, it is unforgettable, isn't it?

Mr. LISTENBEE. Yes, it is, Senator. And one of the things that we are able to do, which I would like to stress, for drug courts is we were able to take those young people who were in their senior year of high school and work with them diligently to ensure that they were able to recover credits for their placement time in juvenile programs and able to actually get their degrees by having an intensive educational component.

So being able to do that and watch them both go through drug court and graduate there and then go into the high school and graduate from the high school was really an honor and a privilege to do that.

Senator WHITEHOUSE. One last question. The role of the Federal Government in JJDP is in some respects secondary to the primary role of State officials. It is viewed as a support and, to a degree, a constraint on State behavior. And because what we do in the Federal Government can affect what 50 different States do, which may have different ways of addressing the problem, you do not want to tighten down the crank too hard so that you lose your opportunity for innovation and discovery, particularly if this is a statute that is only going to be reauthorized every dozen years.

So that gives OJJDP an important role in the implementation of this. What advice do you have for the Committee in terms of the areas in which you think it is so well established that we can afford to be fairly directive versus areas in which we should leave more flexibility to the States to continue to find the best way to solve these problems and a way, to use your good phrase, that causes these encounters to be rare, fair, and beneficial?

Mr. LISTENBEE. Well, Senator, first of all, I would like to stress that the core requirements remain, and that your Committee should help us develop sort of a clearer understanding and mechanisms for implementing those core requirements.

The one that we have had the least success on has been disproportionate minority contact and dealing with racial and ethnic disparities. We would like to enhance the requirements to the States on that particular requirement. We think that there are a lot of new and innovative approaches that are available now. Through OJJDP, we are concentrating our resources, our training and technical assistance on this particular requirement, and we expect that with the sort of enhanced clarity about what we can do in that area, we will make a difference.

I think the States have been doing a pretty good job of implementing reforms across the Nation. The difficulty they have had is developing comprehensive statewide reform as opposed to reform in specific areas on specific topics. For example, in some States there is reform on the support of school discipline issues, something called "the School-to-Prison Pipeline." In some States there is reform in terms of comprehensive statewide reform, like in Georgia and Texas. But it still has not gone throughout every county in the State, and I think that what we can do from OJJDP and where I would encourage you to have some flexibility is to allow us to use training and technical assistance, research guidance, and financial support to encourage and incentivize the States to bring about statewide reform as opposed to directing them to do it.

The States have good models in some places. We are borrowing from one State, sharing it with another State, and we look to have peer-to-peer counseling and support. We have some dynamic work going on out there. What we are trying to do at the OJJDP level is to consolidate those reforms, set forth a comprehensive strategy for them, and then to provide that strategy to the States. But we need the encouragement and support of the Committee to do that. We hope that States will realign their policies with this new reform strategy. But they need to make their own choices. There is a lot of wisdom out there in the States. I do not think that we in Washington have all the wisdom necessary to tell them exactly what to do.

Senator WHITEHOUSE. It is an important balance to maintain, and I look forward to working with you. You will be the prime liaison with the Department of Justice as we reauthorize this bill, and I appreciate very much your terrific work in this area over many years. I look forward to working with you as we reauthorize the bill, and I am grateful to you for coming up to Rhode Island, and I hope you have the chance to stick around, because it will be a treat to hear the Rhode Island witnesses.

Mr. LISTENBEE. I plan to stick around, Senator. Thank you very much. I appreciate it.

Senator WHITEHOUSE. Thank you very much. You are excused, and we take a minute to reset the table for the second panel.

[Pause.]

Senator WHITEHOUSE. I should say as a matter of record, while we have a senior Department of Justice official here, how pleased we are with our United States Attorney and what an excellent job he is doing here in Rhode Island.

[Applause.]

Senator WHITEHOUSE. Thank you. Let the record reflect that the comment was met with applause from the audience, so not just dead silence. Very, very good.

Senator WHITEHOUSE. All right. Let me call the second panel. Do you all affirm that the testimony you are about to give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Judge BEDROSIAN. I do.

Ms. BRYANT. I do.

Mr. DUOA. I do.

Senator WHITEHOUSE. Thank you very much. Welcome and please be seated.

We will hear first from Judge Haiganush Bedrosian, who was appointed chief judge of Rhode Island's Family Court in December 2010, having served as an associate justice of the court for 30 years. She began her professional career after receiving her bachelor of arts degree while teaching elementary school for 6 years. After graduating from Suffolk University Law School, she served as law clerk to the Honorable Thomas J. Paolino, Associate Justice of the Rhode Island Supreme Court. In private practice, she specialized in family law cases, often appointed by family court judges to represent the interests of a parent whose children were in the custody of the State or to act as guardian ad litem to the children placed in the care of Child Protective Services.

Chief Judge Bedrosian has taught law courses at local colleges. Before her appointment to the bench, Chief Judge Bedrosian was employed part-time by the Department of Attorney General in the Criminal Prosecution Unit. She was the first woman appointed to the family court, appointed by Governor Garrahy, and she was the first woman appointed as its chief judge, appointed by Governor Donald Carcieri.

Chief Judge Bedrosian has been a member of numerous boards and commissions dedicated to the improvement of justice for Rhode Island's children and families, and I welcome her, and I appreciate her testimony. Your Honor?

**STATEMENT OF THE HONORABLE HAIGANUSH R. BEDROSIAN,
CHIEF JUDGE, RHODE ISLAND FAMILY COURT, PROVIDENCE,
RHODE ISLAND**

Judge BEDROSIAN. Thank you for the invitation.

Senator Whitehouse, actually I am very pleased to appear here today, and I was delighted to hear the comments of Mr. Listenbee and the fact that the Federal Government is indeed ready, willing, and able to begin talking to the States again about authorizing the Act so that we will continue to get the funding that we need to help all the youngsters who are so vulnerable in our State, either being in the juvenile justice area or in the child protection area.

But I do want to point out, though, that Rhode Island, back in 1974, had Associate Justice Edward Healey, who was a member of the family court, and he then, that far back, had begun the discussions of how juvenile justice systems had to be rehabilitated with new methods of treatments. And he was one of the forerunners in the discussion regarding the issues regarding incarceration of youth for minor offenses. He was a member of the Task Force to Write Standards and Goals for Juvenile Justice and Delinquency Prevention for the President's—of course, then the President—National Advisory Committee on Criminal Justice, and he was a past president of the National College of Juvenile and Family Court Judges. The point that I am making is that for the last several decades, we have been hearing here at the family court about the need for advances in how we treat juveniles and children who are in need of child protection services.

As we all know who have been in the system for so long, the 1970's, 1980's, and 1990's brought many changes in the laws to protect juveniles, and I bring out as the example that *In re Gault*, of course, made sure that children had an attorney when necessary.

In Rhode Island, we also have been providing attorneys and guardians ad litem for children who are in child protection services via DCYF.

Rhode Island's Department of Children, Youth, and Families had become a separate department in our State because of the thoughtfulness of our legislators. And at that time, the State declared that we have a basic obligation to promote, safeguard, and protect the social well-being and development of the children of the State through comprehensive programs.

So to put all of this in perspective, I am noting that when we first started these discussions in the 1970's, the United States was then enmeshed in a war in Vietnam; the feminists were demanding equality for good-paying jobs; the NAACP was seeking equality for people of color; and as we all know, today the issues regarding children and disproportionate minority contacts is the subject of one of our—it will be the subject of one of our discussions today.

Congress enacted the JJDPA as the Office of Juvenile Justice and Delinquency Prevention became part of the Department of Justice. That is why I am appealing to you today. Rhode Island's Family Court was a special court created in 1960. I practiced there in the 1970's. It was housed in an old building at 22 Hayes Street—which is now Nordstrom's, by the way.

[Laughter.]

Judge BEDROSIAN. And the holding cells in that basement held adults and juveniles. I visited them there. The juvenile and adult cells were separate cells, but indeed they were right next to one another so that the adults and the juveniles were able to converse with one another and to see one another. This new Garrahy Judicial Complex, which was built in the early 1980's, does have a separate area for the youngsters. So the issue regarding sight and sound separation certainly has been discussed and accomplished here in Rhode Island.

The Rhode Island Training School has a new state-of-the-art building to house incarcerated youth, and as you have pointed out, the numbers have changed dramatically. So Rhode Island has moved ahead to actively promote the well-being of our children, but we still have a lot of work to do.

In the last 40 years, there were so many changes regarding children in our juvenile justice systems. In Rhode Island at the family court, we start our—let me stop. The cases that are referred for juvenile justice issues go to an informal hearing first. And Kevin Richard is here. He is the head of that department, and he will make a decision as to whether or not the initial cases are brought to a judge. Those cases can be handled informally with the assistance of a counselor, and many of those children never return.

However, we do have those cases regarding the status offenders who are charged as well as the wayward and delinquent youth who are charged with, of course, wayward and delinquent offenses, and these are heard by the family court justices.

The exception to some of those cases is the family court truancy calendar in which those petitions are heard in the schools where magistrates preside over the hearings. By having these cases in the schools, this assures that not only is the child being heard by a magistrate, but the professionals in the schools, such as the principal, the guidance counselors, and if they have social workers, they are all present to assist this youngster in finding programs.

So I also want to discuss the issues of strengthening deinstitutionalization of status offenders because that is an issue that has been raised by the Federal Government. And I would like to explain that while the family court may advise a status offender at times that violation of a valid court order could result in an order for detention at the Training School, that order for detention is a rare order in the Rhode Island Family Court.

However, for those youthful offenders who are detained for long periods of time, programs within the Training School are geared to educating the youth while treating their social as well as behavioral health issues. Rehabilitation remains the goal for all youth in our State, whether they are status offenders or wayward or delinquent youth, or the children who are in child protection services via the association with our Department of Children, Youth, and Families.

I will tell you very truthfully that with proper timely services, many youth have become upstanding members of society, and those are the youngsters that will sometimes come back and talk to us and say, you know, "I do want to thank the particular judge for helping me, because without the assistance of the State, I would

not have the job that I wanted or go to the school that I am now attending.”

Let me also state that youth who receive their high school diplomas are more apt to be employed. More than 10 years ago, these special truancy calendars that had been created have invested in those children and assigning them to classes so that they can receive their high school diplomas.

You have referred to the comment, Mr. Listenbee, that sometimes the school dispositions will be referred to as the “pipeline to the prison.” I went to a conference a couple of years ago. We had 2 days’ worth of discussions on that issue, and the family court is dedicated to making sure that kids stay in school rather than get involved in the juvenile justice area.

I have pointed out to you the issues that some of the magistrates hear at the truancy calendars, but I do want to point out that there are times that we do hear truancy cases with the justices. It is not an exclusive issue at the schools.

The funding—and I want to thank you—from the OJJDP for the truancy calendars has benefited literally thousands of youngsters over the last 10 or more years. These hearings at the schools are referred to as “diversion calendars.” There is no prosecutor there. There is a school principal perhaps or there is a guidance counselor or a truancy officer, and the cases are heard in an informal setting. By assigning those hearings at the school, again, I point out all the participants who are interested in these youngsters can attend so that a proper program can be worked out.

I do want to also applaud and thank you and, of course, those who are in your office, Mr. Listenbee, for the Federal funding for the family court’s drug treatment calendars. They have also been a benefit for more than 2,400 youngsters over the last 10 years who have graduated from the drug treatment calendar. Retired Associate Justice Pamela Macktaz has presided over this calendar over the last couple of years, and she has been assisting youth and their families in overcoming the problems related to substance abuse.

We also have our experienced counselors who work with the youth and their families. They work to assure the graduation of the youngster from the drug court calendar by using helpful and necessary social services in various drug treatments to help the drug-involved youth combat the use of illegal drugs and alcohol. I am confident today that I speak not only on behalf of those youngsters who have graduated but also their families, who will sometimes return to thank us for working with their youngsters and keeping them out of any additional troubles.

So by virtue of the fact that we have had the funding for the drug treatment program, for the truancy programs, and for a mental health clinic that we have at the family court, the family court is very proud to say that it has been able to help more than, as I said, 2,400 in drug treatment and more than 2,000 in the truancy calendars to benefit from programs.

I applaud the work that the Committee is doing. I certainly am delighted to be able to support the work of this Committee in hoping that there is a reauthorization very soon.

[The prepared statement of Judge Bedrosian appears as a submission for the record.]

Senator WHITEHOUSE. Thank you, Judge Bedrosian. We are going to work very hard to make sure that there is a reauthorization and try very hard to make it a bipartisan reauthorization so that this is a piece of legislation that can get through the rather hazardous legislative environment that prevails in Washington right now. But we have seen good success getting bills in a bipartisan fashion through the Judiciary Committee, and I hope to be able to find a way to have this follow that same successful path.

Judge BEDROSIAN. And I am delighted to hear that, and I will always stress that the programs and the treatments that we provide at the court are keeping a lot of kids out of detention in their adult life.

Senator WHITEHOUSE. Our next witness, Elizabeth Burke Bryant, is executive director of Rhode Island KIDS COUNT, a children's policy and research organization founded in 1994 that provides information on child well-being, stimulates dialogue on children's issues, and promotes accountability and action. Rhode Island KIDS COUNT provides policymakers, community leaders, and the news media with the best available data and information on children's health, education, safety, and economic security. The organization produces a quarterly Issue Brief Series, hosts a monthly cable television program, and publishes the annual famous Rhode Island KIDS COUNT Factbook.

For 20 years, Rhode Island KIDS COUNT has tracked data on juvenile justice in partnership with the Rhode Island Department of Children, Youth, and Families and the Rhode Island Family Court. The organization also coordinates the Annie E. Casey Foundation's Juvenile Detention Alternatives initiative.

Ms. Bryant is an adjunct lecturer in public policy at Brown University's A. Alfred Taubman Center for Public Policy and American Institutions. A native of Providence, Rhode Island, Ms. Bryant received a bachelor of arts degree from the University of Vermont and a law degree from the George Washington University Law School. Previous positions include policy director for the city of Providence, housing court prosecutor, consultant to the Rhode Island Housing Mortgage Finance Corporation, and the Rhode Island Foundation and the Women's Prison Mentoring Project.

Ms. Bryant has been actively involved in several organizations, including Voices for America's Children, the United Way of Rhode Island, the Rhode Island Foundation, and the Local Initiative Support Corporation, and is the recipient of numerous awards, including the National Florette Angel Child Advocate of the Year Award, the Rhode Island Foundation's Community Leadership Award, the Paul W. Crowley Educational Advocacy Award, the Rhode Island Healthy Mothers Healthy Babies Coalition Silver Rattle Award, the Classical High School Distinguished Alumni Award, and the John Hope Settlement House Sterrett Award.

So we are very, very glad to have Elizabeth Burke Bryant.

STATEMENT OF ELIZABETH BURKE BRYANT, EXECUTIVE DIRECTOR, RHODE ISLAND KIDS COUNT, PROVIDENCE, RHODE ISLAND

Ms. BRYANT. Thank you very, very much, Senator. It is really an honor to be asked to testify today. Is this on? Great.

Thank you, Senator Whitehouse, and also many thanks to Chairman Leahy 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 A. 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—it is great to have you in our State—as well as to Brother 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 A and make it work even better on the path to juvenile justice reform and success for our young people in the system.

States across the country, including Rhode Island, have made considerable progress reducing the use of incarceration for juveniles over the past several years. I am going to just give you a few statistics from Rhode Island to set the stage and set some context.

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.

Here in Rhode Island, 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. We have a chart in our testimony, Senator, that is one of those indicators going in the right direction. It shows a line graph pointing straight downward, although we still have work to do. Some of this—

Senator WHITEHOUSE. I should say that the full statement with the graph will be made a part of the record, as will the full statement of all of the witnesses.

Ms. BRYANT. Thank you, Senator.

Some of this decline is due to the cap that was placed on the population at the Training School in July 2008. The cap was for 148 boys and 12 girls on any given day. The population has further declined by 44 percent between 2009 and 2013. The new facility, Training School facility that the chief judge mentioned, which was filled to capacity when it was opened in 2009, had an average daily population of 83 youth during the first quarter of 2014. And just for comparison's sake, Senator Whitehouse I know you remember the days of youth sleeping on the mattresses of our Training School. In fact, we have looked into DCYF data, and the high in 2006 was 220 youth, and now we are down to 83. So that kind of shows the dramatic progress that did not happen overnight. It happened by a large number of strategies that were trying to prevent the incarceration of youth and started much earlier with prevention strategies, which I will get to in a moment.

As you noted, Senator Whitehouse, in your opening remarks, crime has also fallen sharply over the past decade as juvenile justice systems have utilized more effective intervention and prevention strategies. In Rhode Island, the number of youth referred to family court for wayward and delinquent offenses declined 45 percent between 2007 and 2013, from 5,275 youth referred to family

court to 2,926. During the same time period, the number of juvenile offenses declined by 40 percent, from 8,301 to 4,964.

The use of community Juvenile Hearing Boards and the family court's diversionary program that the chief has remarked about have been instrumental in preventing low-level and first-time offenders from the formal juvenile justice system, as have been many coordinated best practice, community-based, and family centered efforts in the community, such as ones that are used right here by Tides Family Services, others that are used by the Institute for the Prevention of Nonviolence, and many more. For youth who do 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 detention.

Between 2007 and—actually, I am going to skip that because it is the chart that I just described.

In 2009, Rhode Island juvenile justice stakeholders joined in partnership with the Annie E. Casey Foundation to become a state-wide Juvenile Detention Alternatives Initiative, which we call JDAI. JDAI promotes the vision that youth involved in the juvenile justice system are often 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 the Attorney General, the Public Defender's Office, the Providence Police Department, Tides Family Services, the Institute for the Study and Practice of Nonviolence, Rhode Island for Communities and Justice, Family Services, Child and Family, and many, many more social service providers dedicated to preventing the escalation and overall youth involved in the juvenile justice system. 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.

And the other remarkable thing about this initiative, Senator, is, as you well know, when you have people who are working in all parts of the system who seldom come together around the same table, you can really make a lot of progress, and that has been our experience with this initiative.

Like many states, however, Rhode Island still has much 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.

During 2013, more than half—around 54 percent—of stays at the Rhode Island Training School lasted less than 2 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. As you noted, the Act was last reauthorized in 2002, but few changes were made even 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 to reach their full potential.

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

First, keep youthful offenders and adult offenders separate—and some of these things I do want to point out, Senator, are meant to be national in scope and are not saying that we still have some of these things existing in Rhode Island. So in no way do I want to conflict with anything the chief has said, but we think it is important at these hearings to really speak out for all American youth, not just those in our State.

Keep youthful offenders and adult offenders separate. The JJDPa, as you mentioned, 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 JJDPa should require States to house youth charged or convicted as adults in juvenile facilities until they reach adulthood.

Next, prevent the confinement of status offenders by strengthening the Deinstitutionalization of Status Offenders, or DSO, core protection—another item you also mentioned, Senator—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—for example, court orders not to truant. We recommend that this valid court order exception be eliminated.

Next, strengthen the disproportionate minority contact 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 publicly report on progress. We have made major strides in reducing the number of young people at our Training School. However, we still report on disproportionality with our population here in Rhode Island.

Next, provide safe and humane conditions of confinement for youth in State or local custody by prohibiting use of JJDPa funds for dangerous practices and encouraging States to adopt best practices and standards to eliminate dangerous practices and unnecessary isolation.

Next, 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 reentry services.

Next, establish accountability measures and data collection requirements that incentivize the timely transfer of educational records and communication with a youth's home school district or LEA so they do not lose school credit while they are incarcerated. These measures should also require that States demonstrate that incarcerated youth are reenrolled back in their schools or LEAs or other career training upon release.

It would be remiss of me if I did not say that education reform is at the epicenter of our goals to reduce the pipeline of young people that ever enter the juvenile justice system. Sometimes these reauthorizations are in silos, just like some of our work is in silos. However, when we look at the education level of youth in the

Training School, we know that these youth have been disconnected from their schooling or have been on the radar screen for years and years in terms of youth that are falling behind and need further intervention at the educational level. The average reading level of youth in the Training School is seventh grade. The average math level is sixth grade. And we know that 80 percent of low-income children in this country are not reading at grade level by the end of third grade. That is part of this work. And how you link the reauthorization to some of the really important work of education reform I think maybe is a key new ground that this reauthorization can make more explicitly about reducing the pipeline.

Next, assist States in compliance with the JJDP Act 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, the reauthorization should require JJDP Act funds withheld for noncompliance to be set aside and made available to those States as improvement grants to help them with those particular protections.

Next, 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.

The last one is to 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 lifelong 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. I often say this, he knows I say this everywhere around town: The work Brother Michael and his team do is life-saving work, and so is the work you are doing, Senator and Members of the Committee, to improve the Juvenile Justice and Delinquency Prevention Act through reauthorization.

Thank you very much.

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

Senator WHITEHOUSE. Thank you very much.

Our final witness is Osbert Duoa who is a 20-year-old resident of Providence, Rhode Island. He is employed as a retail sales manager for Harvest Kitchen, and he acts as a mentor to young people at Tides Family Services, where he himself received services while

in the juvenile justice system. Mr. Duoa? How did my pronunciation do?

Mr. DUOA. I was just about to tell you, a point of correction. It is “du-o.”

Senator WHITEHOUSE. “Du-o.”

Mr. DUOA. The “A” is silent.

Senator WHITEHOUSE. The “A” is silent. Thank you.

STATEMENT OF OSBERT DUOA, PROVIDENCE, RHODE ISLAND

Mr. DUOA. I would like to say good morning to everybody. Thanks for coming. Thanks for having me. My introduction is I am Osbert Duoa. I am 20 years old. I was born in Liberia in 1994. I came to the U.S. with my mother when I was 5. We lived in Pawtucket.

After a few years, my dad and my three brothers was sent to the U.S. I began getting in trouble when I was 14. I first got on probation, and during that time I was sent to California to stay with my dad. Me and him was not getting along as I was younger, so I hustled the best way I can to get some money because me and him was not getting along, so I figured let me go back to my mother’s. And that is what I did. I earned up enough money, took the Greyhound, which was one trip, I believe. It was 200 and some change. I was 14. I did not know what I was doing, so I just took the bus. I stayed on the bus. I did not get off the bus. I asked people—it was—I ate McDonald’s, so it was fun.

When I arrived back to Providence, Pawtucket, nobody knew that I came back. So I was staying with a couple friends, and—which I already had broken my probation, violated my probation. So I was ordered to spend some time in a Training School for 7 months. And then there was a guy named Charles who also came to the Training School, introduced me to Tides Family Service. Being in Tides helped me grow and learn.

There were different people. The Tides worker was very different. They really—they showed care, love. They was there for me. When I did not want to go to school, they would help me go to school on time, take me to work, and they took me to Six Flags, which I really liked.

When me and my mom was fussing sometimes, they would take me out, talk to me, give me some advice. It was not like other counselors where you get they are just there for you and just take you out and not express theirselves and tell you about, like, their life and how they was growing up. So for me, I kind of related to what they were saying and what they wanted to—where they wanted to see me in life.

I began to learn about life, and what I needed most was my mom, my job, people who cared about me. I started working with Harvest Kitchen, which is a culinary program. It was very good, awesome. I never knew how to make applesauce.

[Laughter.]

Mr. DUOA. Three kinds of flavors: original, strawberry, and cranberry.

[Laughter.]

Mr. DUOA. So I go there and I go home. My mom would say, “What do you do at work?” “Make applesauce.” I would go to my

other job. "What do you do at work?" "Make applesauce." I am, like, "I am going to turn into applesauce."

So one of my conductors is Jen Scott. She is real cool. She is here to support. So today I am a retail sales manager at Farm Fresh, which we do the farmers' market. If you are not familiar, I am there selling applesauce.

[Laughter.]

Mr. DUOA. And I am also selling some other products, produce. I really like doing the salesmanship and the business type of things, so I am involved in that. I am going on my third year. It has been fun.

I am off probation. I got off at the age of 18, and I do not plan on going back on probation or getting in trouble.

A good man once told me that you cannot be on both sides of the line. Either you are going to be in trouble, stay with the old friends, or you are just going to go straight ahead and just be a positive role model and be just like everybody in this room trying to do their job and wake up and help everyone else.

So for me, when I do the farmers' market, I may not be in the best of moods because it is very early and I am trying to sell stuff. So I just got to put myself in that position where, if I can make somebody smile and I sell nothing that whole day, that is my—that is what I like to do.

Well, thanks for having me. Thank you, Senator. I hope you go back to the White House and tell them about us.

[Laughter.]

Mr. DUOA. Thanks to everybody in this room again. Thanks to Tides Family Service. I would have never been able to do it without you. And also thanks for me getting in trouble because without me getting in trouble, I would not be able to be here in front of you all. So thank you, everybody. And thank you for coming from Philadelphia. If I missed you, I am sorry. Thank you. I know my story was not the best, but I am kind of nervous, so I am trying to explain.

Thank you.

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

Senator WHITEHOUSE. I think it was fine. I think it was fine. Very well done. Thank you, Osbert. I really appreciate it.

Mr. DUOA. Thank you. Any questions? I am not nervous no more. Any questions?

Senator WHITEHOUSE. Good.

[Laughter.]

Senator WHITEHOUSE. We will get there.

Let me start with Judge Bedrosian. The downward trend that we have talked about and that Elizabeth documented, what do you think have been the key successful elements to that?

Judge BEDROSIAN. Well, locally we have had the juvenile boards in the various cities and towns with—

Senator WHITEHOUSE. The juvenile hearing boards.

Judge BEDROSIAN. Yes, which have taken on the cases of youthful offenders, first-time offenders usually, and been able to resolve whatever the issues were. And I think that has been of great benefit to some youngsters. I am very much a believer that when kids

are in school and doing well, their opportunities to get out and get into trouble lessen. And I think the schools are doing a more comprehensive job of looking at kids who are truant and trying to assist them to make sure they stay in school. I can tell you that because I have the statistics from our truancy calendars that many of the youngsters that we see do not get involved in our juvenile justice cases.

So I believe that that is also a benefit, the fact that we have taken a very long, hard look at the issues regarding truancy and brought them right into the schools to make sure the kids—

Senator WHITEHOUSE. Including the middle schools.

Judge BEDROSIAN. Yes, to make sure that they stay in school. In fact, Angela Bucci Paulhus is one of the best representatives of the magistrates who have been in the schools because she has done this for a few years—I do not think I will give you all the years, but Angela has been doing this, and she has been a star, as far as I am concerned, in terms of helping all the other magistrates and the principals and all of the educators that she has worked with in finding ways to keep kids in school. I applaud people like Angela who are so dedicated, and the teachers as well as all of those educators who are so dedicated to making sure that kids stay in school. It is a very different atmosphere now. As you know, I started life as a school teacher, so I still have friends in the business, so to speak. But the atmosphere now is that we will do everything we possibly can, short of getting to the home and dragging the kid out of bed, to get them into school. And, frankly, one of our truant officers that we are very familiar with has done that a few times.

So the issue has been raised. How do we keep kids in school? Every school comes up with some novel approach on how to make sure we get kids there. People have bought alarm clocks for the kids. There are those that call them. Those are obviously the very literally hands-on methods. But there is also the dedication of special education teachers who have worked out courses so that youngsters who have some learning disabilities will be able to accomplish what they need to accomplish. It is a benefit, as far as I am concerned, when sometimes the kids do get into the truancy programs because they find all these people who are willing to help them.

So I give the people who work in those areas a lot of credit. I give the educators a lot of credit. The special education people are wonderful. So there are a number of things that I am understanding that the numbers of offenses are down, and the kids who are referred to the family court, those numbers are down also.

But my understanding more recently, though, is that at Training School, I am told that there were 12 girls in the unit for a period of time, and they do receive some very good treatments, from what I have been told, and we have had the discussion that there is more attention being paid to the females who are part of the population of the Training School. But, frankly, it would be great if we could get the special funding for the girls. It took several years before they moved into the new state-of-the-art Training School.

And one of the things that I always have found to be very offensive is the fact that I hear, well, there are not enough girls to create programs. That is not true. And the people who are working there now are creating the programs from what I have been told.

Senator WHITEHOUSE. There are two takeaways that I remember from looking at this issue as Attorney General. One was that when we looked back, we very often found, as you have said, that truancy was the first really strong signal of bad things to come and that it usually cropped up first in middle school. So it is terrific that you have responded to that.

The other thing was the time spike during the course of the day. It was those hours between when school let out and when parents came home that caused a huge spike in activity. And have you noticed that the improvement in after-school programs has made a difference in—

Judge BEDROSIAN. I do not have any stats on that, Senator, so I do not believe I can comment on whether or not the after-school programs have made a change. We usually have our stats as to what is going on in school.

Senator WHITEHOUSE. Elizabeth, what is your observation on that?

Judge BEDROSIAN. Do you have anything on that?

Ms. BRYANT. While we do not have a cause-and-effect study, we do know that during this time of decline, just in Providence alone, the Providence After-School Alliance has made good places for kids to be after school at the middle-school level for thousands of Providence kids a reality, and at the same time we have seen these numbers come down. So you are absolutely right that those bewitching hours of 3 o'clock to 6 o'clock, having youth engaged in programs where there is a caring adult and a sense of their future that are somehow connected to schools so that the people in the schools know that these good things are going on after school are just a great recipe for reducing the pipeline. And you are right, it starts early.

We track chronic absence in the Rhode Island KIDS COUNT Factbook, we track chronic early absence, K through 3rd grade, and there is a disturbing number of young children that are absent more than 10 percent of the school year, and schools across the State are really trying to get at that issue very early. We are also tracking middle and high school chronic absence. So all of these things, I think, when the numbers see the light of day and really people understand the significance of the problem, then community-based solutions can occur.

I also want to thank Senator Picard and his colleagues at the General Assembly because last year or the year before, a law was passed in Rhode Island that said that out-of-school suspensions cannot be used by reasons of absence. It sounds like an obvious thing to do, not to give people an out-of-school suspension for the issue of absence. And I think the Rhode Island law is a model for that, and many school boards across the State are really paying attention to that issue as well.

Senator WHITEHOUSE. The question of reentry is one that at the adult side has received very good bipartisan attention in Washington with the Second Chance Act, and we are working on that in sentencing reform as well, and we had, I think, some very good work on that in the bill that just passed out of the Senate Judiciary Committee in a very bipartisan fashion, 15–2. Even the two were

bipartisan. It was a Republican and a Democrat who voted against it. So that was a pretty good sign.

Let me start with Osbert. When you were leaving the Training School, how did you feel about the transition from that back to school? And what observations did you have about that experience? Then I will ask Ms. Bryant and Judge Bedrosian.

Mr. DUOA. It was kind of difficult going back to school after being in there. Like I said, Tides helped me get to school and from school.

Senator WHITEHOUSE. What time of year did you come back to school?

Mr. DUOA. I believe it was when school had just begun. I think I missed a month, like maybe in October or something.

Senator WHITEHOUSE. So everybody else had gotten to know each other in that first month, and then you show up.

Mr. DUOA. Yes. It was—I was not really comfortable going back to school because it felt different from being incarcerated and having like the freedom of I do not have to go to school as when I was in there, I had to wake up every morning and go to school, and if I did not go to school, I would probably fight somebody and then get sent back to my room or—you know. So it felt like, all right, I am not going to go to school and blah, blah, blah, but Tides helped me. They took me back and from school.

Senator WHITEHOUSE. Judge, what do you think about the re-entry concerns that we should be looking at, the transition from Training School or incarcerative settings back out to the community and to school?

Judge BEDROSIAN. What I will tell you candidly, usually it depends on one or two persons who will encourage a youngster to think about completing their school assignments, and it is very important to have a mentor, and that is what I have learned over these many years, that mentoring is a very big issue. And if we can find someone who is dedicated to assisting a youngster, usually that person can convince them to get back to getting an education or looking for a field that you would like to work in. And it is very important to find that person.

Senator WHITEHOUSE. There is an observation I have heard repeatedly, so much so that it has really finally sunk in, and that is that kids who succeed in school can identify an adult in the school community who they believe really cares about them. And it is not a hypothetical question, yes, there is an adult out there that really cares about them. It is Mr. Smith, it is Mrs. Jones. They have that personal connection. And a lot of people have said that if that is there, then everything is on a much better slope; and if that is not there, you really are in trouble. And what you are saying is that that is true—

Judge BEDROSIAN. That is a reality.

Senator WHITEHOUSE [continuing]. Not only in school but it's particularly true for this transition.

Judge BEDROSIAN. It is. It really is. And there are mentoring programs out there to try to assist kids in either staying in school or going back to school. And the few times that I have talked to adults who have finally completed an education, that is what I have heard, that I had a particular teacher or a guidance counselor or even a truant officer who finally got to me and said, you know, if

you just do X, Y, and Z, you can get a diploma and maybe go on to a trade school or to a college and get a job, and you do not have to be on probation for the rest of your life. And, of course, they are maturing at that point, too, a little bit.

Senator WHITEHOUSE. What are you seeing?

Ms. BRYANT. Well, I think this brings up a couple of points that should be emphasized, Senator.

First of all, there is no question about the link between how children are doing academically and the possibility of them getting involved with the juvenile justice system, so the better work we do to keep them connected at school, doing well in school—and that does come by virtue of knowing, caring adults in the building. I see Superintendent Donoyan who tries to be doing that every day in Woonsocket. There is real research behind that, people knowing you and wanting you to succeed in the school building as well as, as we have said, some of these after-school programs, summer programs that really engage all of our young people with a vision of what they can be in life.

I also think it is important to emphasize that when I mentioned community-based programs—and we are sitting in one right now—it is the relationships that those programs have with the young people and their families both to try to prevent incarceration and, if incarceration in a juvenile detention facility does happen, working with them in a step-down way to get them back integrated into the community and with a transition plan that works.

And so I think oftentimes, not just in Rhode Island but in the rest of the country, when you look at those per young person costs of incarcerating them in the Training School—a few years ago in Rhode Island it was about \$106,000 for one person. And when you think about what community-based alternative programs such as outreach and tracking here, what Teny Gross does, what Child and Family and Family Service do, it is a fraction of that. And yet those community-based programs are the ones that have to just every year fight for the dollars to even stay open.

And so it is really time to look at cost-effective nature of what we are doing with our juvenile justice funds and ensure that those kinds of anything it takes and more, real family engaged, youth-engaged relationship building that these community-based programs do are supported. And not all of them reach high standards. So I think we need to be clear in our field that there needs to be accountability and results that are required of these community-based programs. They are not created equal. But for those that work, it just seems like it is not sensible for them to not feel as though sometimes they do not even have the dollars to know how many kids they are going to be able to help in the next year, given the dollars that saves in States, not just in Rhode Island but across the country, for every youth that you prevent from being in the Training School, how those dollars could be redirected.

Senator WHITEHOUSE. While we are on the subject of dollars, the OJJDP dollars have been more and more taken up with the four core elements that we talked about, and it is required—or provided less funding in other areas. Are you seeing reductions, Judge Bedrosian, in available funding for—

Judge BEDROSIAN. Yes.

Senator WHITEHOUSE [continuing]. Things like training? How has that played out for you? What has been most painful or difficult?

Judge BEDROSIAN. I do not know about the painful and the difficult, but what I can tell you is that, as you know, we have a great interest at the family court in maintaining our truancy calendars in the schools and being able to provide whatever services are necessary for the youngsters who are on the calendars, Senator. So if they have a need for some mental health services, then we want to make sure that there is a continuum of care for mental health services for youngsters in Rhode Island.

We also want to make sure that we have places like Tides Family Service where they have the programs that the social workers go out every day to see the family. That daily response is critical to keeping a kid at home.

And I can tell you candidly that about 3 or 4 years ago, I went out one night with one of the social workers, and we went to several of the homes here in Pawtucket. And I watched that social worker talk to those youngsters and get information out of them that no one could have gotten but for the fact that they had a special relationship.

So I am very much a believer in the kinds of services that provide a person or persons who are specially known to these youngsters, and I would suggest very strongly that when the Act is reauthorized that everybody take a look at the programs where the kids see somebody, the same person or person, every single day. It works. I have known that there are kids that have been with Tides who stayed at home, who very well could have been at the Training School or in some other placement but for the fact that they had a social worker coming out every single afternoon or evening to see the family and to talk to them to find out what their needs are and to actually make sure that they are complying with whatever services have been afforded to them.

So I feel very strongly about keeping kids at home if it is possible and not decimating the funding to these kinds of programs, which are so important. So I will leave you with that thought.

Senator WHITEHOUSE. Okay. Same question, Elizabeth.

Ms. BRYANT. I could not have said it better than she for that point.

Senator WHITEHOUSE. Perfect. Osbert, were there particular moments or circumstances that were kind of a turning point for you that you look back on and think of as a time when your thinking changed, your point of view changed, your attitude changed? Anything you can identify that would be helpful to this discussion about how to get kids going in the right direction?

Mr. DUOA. Wow, that is—

Senator WHITEHOUSE. Or was it more kind of a slow and steady process with Tides of working around?

Mr. DUOA. I think she said it. Have Tides and the social worker go out there for the kids. But more likely for me it was—it was just like an experience. I think we need more programs and stuff. It is just more of an experience for certain kids. Certain kids are going to listen and participate with the programs and the process that we are trying to do. It is more they have to do it or go through it them-

selves to understand that Tides is there for them or Harvest Kitchen is there for them or other programs are there for them.

Senator WHITEHOUSE. All right. Well, let me thank everybody for being here. I appreciate it very much. I understand that Chief Tavares from East Providence has joined us, too, so thank you very much for joining the other chiefs who are here.

This is an official hearing of the U.S. Senate Judiciary Committee, and the record of it will remain open for an additional week, and anybody who wishes to add anything to the record is welcome to coordinate with my office. Lara Quint is behind me, and she is coordinating this, so if there is anything else you would like to add to the record, please feel free to do that.

And let me again thank all of the witnesses who have shared their experience and their knowledge. I really think this has been very, very helpful, and I have known Judge Bedrosian and Elizabeth Burke Bryant for many, many years, and I am very proud of the service and the skill and the compassion that they bring to their work.

Osbert, thank you so much for joining us, and congratulations on the choices that you have made.

And, Mr. Listenbee, we thank you for coming to Rhode Island. As I said, you are a key player in these negotiations as they go forward, and we look forward to working very closely with you to drafting a bipartisan, effective JJDPa reauthorization that can move smoothly through the Senate.

And, Brother Michael, again, thank you to you and Tides for hosting us and for all the terrific work that you do.

Thank you all very much. The hearing is adjourned.

[Whereupon, at 10:33 a.m., the Committee was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Witness List

Hearing before the
Senate Committee on the Judiciary

On

"The Juvenile Justice and Delinquency Prevention Act: Preserving Potential, Protecting
Communities"

Monday, June 9, 2014
Tides Family Services
242 Dexter Street, Pawtucket, RI 02860
9:00 a.m.

Panel I

Robert Listenbee, Jr.
Administrator
Office of Juvenile Justice and Delinquency Prevention
United States Department of Justice
Washington, D.C.

Panel II

The Honorable Haiganush Bedrosian
Chief Judge
Rhode Island Family Court
Providence, RI

Elizabeth Burke Bryant
Executive Director
Rhode Island KIDS COUNT
Providence, RI

Osbert Duoa
Providence, RI



Department of Justice

STATEMENT OF

ROBERT L. LISTENBEE
ADMINISTRATOR
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY
PREVENTION
OFFICE OF JUSTICE PROGRAMS

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITE STATES SENATE

AT A FIELD HEARING IN PAWTUCKET, RHODE ISLAND

ENTITLED

“THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION
ACT: PRESERVING POTENTIAL, PROTECTING
COMMUNITIES”

PRESENTED
JUNE 9, 2014

**Robert L. Listenbee
Administrator
Office of Juvenile Justice and Delinquency Prevention
Office of Justice Programs
Before the Senate Judiciary Committee
Field Hearing in Rhode Island
Regarding the Juvenile Justice and Delinquency Prevention Act
June 9, 2014**

Chairman Whitehouse and other distinguished members of the committee, thank you for this opportunity to discuss juvenile justice reform and the Department of Justice's support for the reauthorization of the Juvenile Justice and Delinquency Protection Act.

I am Robert L. Listenbee, the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the Department's Office of Justice Programs (OJP). As you know, in 1974 Congress enacted the Juvenile Justice and Delinquency Prevention Act (JJDP) (Pub. L. No. 93-415, 42 U.S.C. § 5601 et seq.) and established our Office. I am pleased to speak with you today as we approach the 40th anniversary of that landmark legislation and discuss reauthorization of the JJDP.

As a former public defender and trial lawyer with nearly 30 years of service, I have dedicated myself to seeking justice for youth involved in the juvenile justice system - a system that often re-victimized youth in the name of accountability. We know that a number of factors place youth at a higher risk of entering the juvenile justice system including childhood exposure to violence, mental health problems, substance abuse, and cognitive disabilities. During my tenure at the Defender Association of Philadelphia, as Chief of the Juvenile Unit for 16 years and trial lawyer for 27 years, I created a specialized unit to deal with juvenile sexual assault cases and was instrumental in developing three specialty court programs that diverted youth out of the juvenile justice system and reduced their risk of residential placement.

In my role as OJJDP Administrator, I have drawn from these experiences and they have informed my priorities and goals for advancing the work of this office. I embrace OJJDP's vision for "a nation where all our children are healthy, educated, and free from violence. Should they come into contact with the juvenile justice system, that contact should be rare, fair, and beneficial to them." My priorities are to support state and local efforts and uphold the responsibilities of OJJDP to protect children who are victims of violence, crime, and abuse; address the needs of youth who come into contact with the juvenile justice system and of those who are at risk of becoming involved with the system; as well as our commitment to ensuring public safety and reducing violence in the communities.

To that end I have articulated five major priorities: (1) adopt a developmental approach to juvenile justice reform; (2) integrate evidence-based research in all program, grants, and initiatives; (3) reduce youth violence and its impact on children in homes, schools, and communities while developing programs that address trauma and trauma informed care; (4) reduce Disproportionate Minority Contact/eliminate racial and ethnic disparities; and (5) maintain public safety.

JJDPA REAUTHORIZATION SUPPORT

The Department strongly supports the reauthorization of the JJDPA. OJJDP has worked closely with Congress in support of their efforts to reauthorize the JJDPA. OJJDP has heard from juvenile justice organizations and practitioners who support juvenile justice reform. Reauthorization ensures children and youth at risk for involvement or who are already involved in juvenile and criminal justice systems are afforded the opportunity to participate in high-quality, effective programs and are protected from harmful conditions of correctional confinement.

Reauthorization of the JJDPA will enhance public safety, hold youth appropriately accountable, reduce re-offending, and, by ensuring youth receive appropriate services, will capture and maximize cost savings for state and local jurisdictions. Additionally, recent evidence-based research underscores the need to provide developmentally appropriate, trauma informed services and support to youth across the juvenile justice continuum¹. Youth need support from initial contact with the juvenile justice system, to placement, as well as reentry and aftercare services in order to minimize delinquency and prevent recidivism.

The Department of Justice, through its JJDPA, is charged with providing State and local governments and tribal jurisdictions with training, technical assistance, research and information on effective programs for combating juvenile delinquency. It is OJJDP's responsibility to help ensure that our children are healthy, educated and free from violence; and in those rare occasions they come into contact with the juvenile justice system, that contact should be fair and beneficial to them.

While much can be accomplished through the reauthorization of the JJDPA, there are some very specific items which OJJDP believes are critical to juvenile justice reform and public safety.

Among them are:

- Require states in their State Plans to promote the use of evidence-based intervention and prevention programs and provide appropriate services for youth while ensuring safety within communities. These programs and services should be trauma-informed, recognize the developmental needs of the youth in their care, and stress the components of healthy psychological development for all adolescents.

- Provide enhancements to the Disproportionate Minority Contact (DMC) core requirement, ensuring states' ability to assess and remedy DMC and racial/ethnic disparity concerns.
- Enhance services and support indigenous and culturally-based practices to assist American Indian and Alaska Native at-risk youth by, for example, providing resources to develop tribally-specific interventions for high-risk youth, establishing safe places where American Indian and Alaska Native children who have been exposed to violence can receive temporary shelter, and providing evidence-based indigenous care and treatment.
- Improve youth access to qualified legal representation.
- Include a three-year phase-out of the Valid Court Order (VCO) exception, and seven-day hold limitation on detention of status offenders for VCO violations during this interim period.
- Prior to the complete phase-out of the VCO exception, clarify that the VCO exception shall apply only to individuals who have first been brought under the court's jurisdiction based on a predicate status offense.
- Modify the current definition of "adult inmate" to give states the flexibility to allow juveniles under adult criminal court jurisdiction to be placed – and remain – in juvenile facilities until they reach the state's age of extended juvenile court jurisdiction.
- Provide clarifying language that would require states that detain juveniles who have been accused or adjudicated for alcohol violations, which would not be violations of the law if committed by an adult over 21, be considered and treated as status offenders.
- Encourage the use of community-based alternatives to the detention of youth charged with status offenses.
- Enhance the availability of juvenile re-entry services and recognize that re-entry (1) is a process that begins at confinement; (2) includes the assessment, services, and release planning that occurs in the facility and the services and supervision youth receive upon re-entry; (3) ends with his or her successful reintegration into the community, and (4) prioritizes education and employment as essential elements of the reentry plan.
- Enhance provisions that recognize the need for gender-responsive programs which consider their significant, complex, and pressing unmet needs. Research has shown that girls most often enter and remain in the system for violation of valid court orders related to original status offense charges or technical violations of probation conditions that resulted from original minor offenses. Moreover, the

increase in girls' arrests can be directly attributed to relatively new mandatory or pro-arrest policies adopted to protect victims of domestic violenceⁱⁱ.

- Increase Title II, Part B training and technical assistance set-aside from 2 to up to 8 percent.

JUVENILE JUSTICE REFORM

As Administrator, I believe that OJJDP has a crucial role to play in fostering and encouraging juvenile justice reform. OJJDP's extraordinary history of leadership and its unique capacity to establish comprehensive policy directions; to provide grants to explore ideas and concepts for reform; to define, pursue, and fund the research agenda; to provide targeted complementary training and technical assistance; and to utilize its communications tools to enhance public awareness give it the capacity to play a major leadership role in the reform of juvenile justice in the nation.

Research suggests that a young person's entry into the juvenile justice system substantially raises the likelihood by more than 50 percent that he or she will someday return to the systemⁱⁱⁱ. Also, detention and out-of-home placement can worsen pre-existing mental health and emotional problems in many young people. Research has also shown that many young people in the system are themselves victims of violence, crime, and abuse which often serves as a trigger for their own violence and re-offending^{iv}.

OJJDP's overall goal is to achieve better outcomes for children by keeping status offenders, such as truants, out of the juvenile justice system. Children who commit minor offenses and are at low risk of reoffending should also be diverted out of the system where appropriate, and barred from detention and out-of-home confinement except for extraordinary circumstances.

The juvenile justice community is now beginning to look more closely at associated factors that place kids at a higher risk of entering the juvenile justice system, such as childhood exposure to violence, crime, abuse, and mental health issues. Research has shown that prolonged trauma can derail normal brain function and make it difficult for children to 1) perform well in school; 2) develop normal relationships, and 3) stay on the path of pro-social behavior^v.

State and local jurisdictions are moving away from their reliance on incarceration and are focusing more on community based programs and services that more effectively address the multiple needs of youth who are at risk or who are involved in the juvenile justice system. Based on the latest available national and state-level data that we have from our online Statistical Briefing Book there were less than 62,000 delinquent youth in residential placement facilities held per day as of October 26, 201^{vi}. This figure is a 36-year low.

Despite this encouraging trend, the juvenile justice system still needs to improve in several areas, especially regarding rates of arrest and confinement for minority youth.

Although they make up on 17% of the population in the U.S., more than half (54%) of all juvenile arrest for violent offenses involved black youth between the ages of 10 and 17 in 2011, as opposed to 47% for white youth and 1% for Asian and American Indian Youth.^{vii}

Although there is support for change, reform efforts are uneven within states and very few have embarked upon comprehensive reform across the entire state. Additionally, there is no consensus about how to improve outcomes for kids or the importance of providing robust services to children who are diverted out of the juvenile justice system, or out of detention or out-of-home placement facilities; although there is a growing recognition that significant cost savings can be achieved.

We are at a pivotal moment in the history of juvenile justice. Juvenile justice professionals have embraced the need for evidence based practices. Adoption of a developmental approach to juvenile justice reform with the understanding of the effects of violence and trauma on children along with the provision of trauma-informed care will improve outcomes for children while holding them accountable and ensuring public safety. OJJDP has embraced this rising tide of system reform and transformation because the reform's success is evidence-based, it promotes public safety, and provides positive outcomes for youth.

OJJDP'S ACCOMPLISHMENTS TO SUPPORT AND PROTECT CHILDREN

In addition to promoting juvenile justice reform, on a daily basis OJJDP provides national leadership, coordination, and resources to respond to the needs of our youth who come into contact with the criminal justice system. At the same time, we also protect children in America who are victims of abuse, violence and crime.

Research Activities

OJJDP supports research and programs that promote the safety and well-being of the nation's youth and urges states and communities to adopt a trauma-informed approach for treating children exposed to violence and a developmental approach to juvenile justice. Over the past decade, states and localities, with assistance and support from OJJDP, greatly expanded their efforts to keep young people out of the system through front end diversion, community-based programs, and expunging juvenile records.

In 2011, OJJDP commissioned the National Academy of Sciences (NAS) to review recent advances in adolescent behavioral and neuroscience research, draw out the implications of this knowledge for juvenile justice reform, and assess the new generation of reform activities occurring in the United States. The resulting report *Reforming Juvenile Justice: A Developmental Approach*^{viii}, which NAS released in June 2013, offers recommendations on how policymakers, practitioners, and researchers should address the needs of children who are at risk for involvement or who are involved in the juvenile justice system. In FY 2013, OJJDP awarded NAS \$25,000 to develop an implementation

guide. The MacArthur and Annie E. Casey Foundations are providing additional support to this effort.

Supportive School Discipline Initiative

The Department of Justice and OJJDP are partnering with the Department of Education to catalyze reform through the Supportive School Discipline Initiative. The initiative stresses positive approaches to modifying adolescent behavior within the context of school, rather than suspending and expelling students for non-violent behavior. The Council of State Governments, which published a report in 2011 that examined school zero tolerance policies in Texas, received \$200,000 in FY 2013 to support consensus building activities among stakeholders. The result of that consensus building process is the *School Discipline Consensus Report*^{ix}, released on June 3, 2014. The report brings together innovative strategies from education, health, law enforcement and juvenile justice to create a roadmap for school discipline reform. Also in 2014, the Departments of Education and Justice jointly released the Discipline Guidance Package that will assist states, districts, and schools in developing practices and strategies to enhance school climate, and ensure they comply with federal law.

Child Protection

National Task Force on Children Exposed to Violence

On December 12, 2012, the National Task Force on Children Exposed to Violence, funded by OJJDP, presented to Attorney General Eric Holder its final report and recommendations for launching a coordinated national response to children's exposure to violence. The report includes 56 recommendations and highlights the importance of identifying children who are victims or witnesses of violence and providing support and services to help them heal. It promotes the development of programs that provide children access to supportive and nonviolent relationships with trusted adults in their homes and communities. The recommendations also call for training for professionals who work with children to identify and respond to the trauma children experience when they witness or are victims of violence. The task force also recommends that all children who enter the juvenile justice system be screened for exposure to violence.

On April 12, 2013, Attorney General Eric Holder outlined initial steps to implement the Task Force on American Indian/Alaska Native (AI/AN) Children Exposed to Violence, one of the key recommendations in the final report. The AI/AN task force, supported by OJJDP, is a joint effort among the Departments of Justice and the Interior and tribal governments. The task force focuses on improving the identification and treatment of AI/AN children exposed to violence, supporting communities and tribes as they define their own responses to this problem, and involving tribal youth in developing

solutions. An advisory committee of experts appointed to examine the scope and impact of violence facing AI/AN children will make policy recommendations to Attorney General Holder on ways to address the problem. The task force convened public hearings in Bismarck, ND, Phoenix, AZ; and Fort Lauderdale, FL; and will hold the last hearing in Anchorage, AK, on June 9, 2014. The task force is scheduled to present its final report to the Attorney General in fall 2014.

Defending Childhood

In 2011, Attorney General Eric Holder launched the Defending Childhood Initiative in response to findings by the National Survey of Children's Exposure to Violence (NatSCEV). This nationwide survey described how often children are exposed to violence and the types of violence that they are subjected to both as direct victims and as witnesses. The Defending Childhood Initiative directs resources within the Department of Justice and other federal government agencies to reduce children's exposure to violence, raise public awareness about its consequences, and advance research on ways to counter its destructive impact. In Fiscal Year (FY) 2013, OJJDP awarded more than \$10.6 million to support the Defending Childhood (Boston, MA; Chippewa Cree Tribe, MT; Cuyahoga County, OH; Grand Forks, ND; Multnomah County, OR; Portland, ME; Rosebud Sioux Tribe, SD; and Shelby County, TN) and Safe Start demonstration sites (Philadelphia, PA; Spokane, WA; Detroit, MI; El Paso, TX; Worcester, MA; Aurora, CO; Denver, CO; New York, NY; Honolulu, HI; and Kalamazoo, MI) that are providing evidence-based trauma-informed treatment to children exposed to violence. In addition, OJJDP is funding affiliated research and training and technical assistance efforts.

Confronting Commercial Sexual Exploitation and Sex Trafficking in the United States

With funding from OJJDP, in September 2013, the Institute of Medicine and the National Research Council released its report *Confronting Commercial Sexual Exploitation and Sex Trafficking in the United State*^x. The research team based its deliberations on three fundamental principles: 1) these crimes should be understood as acts of abuse and violence against children and adolescents, 2) minors who are sexually exploited for commercial purposes or trafficked for sexual purposes should not be considered criminals, and 3) identification of victims and survivors and any interventions should do no further harm. The report recommends increasing public awareness and understanding of the issue; strengthening the law's response; expanding research to advance understanding and the development of prevention and intervention strategies; building multi-sector and interagency partnerships; and developing trainings for child welfare, law, education, and health care professionals in the identification of and assistance to victims and survivors.

AMBER Alert

In FY 2013, OJJDP invested \$2.5 million to provide training and technical assistance to AMBER Alert partners. To date, 685 abducted children have been recovered

as a direct result of an AMBER Alert. The AMBER Alert Program is a voluntary partnership between law-enforcement agencies, broadcasters, transportation agencies, and the wireless industry to activate an urgent bulletin in the most serious child-abduction cases. AMBER Alerts instantly galvanize the entire community to assist in the search for and the safe recovery of the child. Presently, there are 120 statewide, regional, and local AMBER Alert programs across the country.

Internet Crimes Against Children Task Force Program

In FY 2013, OJJDP's investment in the Internet Crimes Against Children (ICAC) program amounted to more than \$25 million in awards to the 61 task forces and 4 training and technical assistance providers. A nationwide network of 61 ICAC task forces investigate and prosecute sexual predators who prey on our nation's children through the Internet and other technologies. Every year, the number of investigations that ICAC task forces open continues to rise, as do the number of arrests. In FY 2013, ICAC task forces received 63,204 documented complaints of child exploitation, conducted 48,641 investigations, and made 6,906 arrests. In addition, the task forces conducted 56,136 forensic exams of computers and other technology and trained 34,797 law enforcement officers, prosecutors, forensic examiners and community outreach personnel.

Reducing Youth Violence

The Department of Justice has brought together the best and the brightest at the local, state, and federal levels to develop solutions to the violence and gang activity that are tearing apart so many communities in this country. Together, they are reshaping our national response to violence.

National Forum on Youth Violence Prevention

Since 2010, OJJDP has supported the National Forum on Youth Violence Prevention, which is active in Boston, MA; Chicago, IL; Detroit, MI; Memphis, TN; Salinas, CA; San Jose, CA; New Orleans, LA; Philadelphia, PA; Minneapolis, MN, and Camden, NJ. Sadly, homicide disproportionately affects individuals ages 10–24 in the United States and consistently ranks in the top three leading causes of death in this age group. The Forum encourages its members to share common challenges and promising strategies to reduce violence through comprehensive planning and coordinated action. In FY 2013, OJJDP continued funding the community efforts in the 10 sites, an ongoing assessment by John Jay College, and training and technical assistance, for a total of about \$2.5 million. In December 2012, John Jay College of Criminal Justice and Temple University's Department of Criminal Justice released an implementation assessment that suggests that the initiative has generated promising change. . The Department of Education has also provided funding and is working closely with DOJ and Health and Human Services to enable selected schools to put in place or strengthen a range of universal and tailored intervention (tiered behavioral supports) for the Forum cities. The

10 Forum cities view tiered behavioral supports as one key strategy to boost schools' capacity to prevent youth violence and improve service delivery to students.

Community-Based Violence Prevention Program

OJJDP provides grants for existing violence prevention programs and strategies that are known to be effective under the Community-Based Violence Prevention Program. The program's goal is to reduce violence in targeted communities through the replication of such programs as the Boston Gun Project, the OJJDP Comprehensive Gang Model, and the Cure Violence model. In FY 2013, OJJDP awarded more than \$8 million to Baltimore, MD; Syracuse, NY; Camden, NJ; Kansas City, MO; Newport News, VA; and Baton Rouge, LA, to continue and expand their violence prevention programs. OJJDP also invested \$2 million in field-initiated research in this area.

Mentoring

OJJDP has supported mentoring initiatives for more than 30 years. In FY 2013 alone, OJJDP awarded more than \$75 million in grants to support mentoring programs, research, and training and technical assistance. Research indicates that mentoring, when done properly, can be an effective way to guide young people away from delinquency. Over the years, thinking on mentoring has evolved. Beyond the model of one caring adult serving as a guide and steadying influence in a young person's life, OJJDP has sought ways to reach youth who were not served because of where they lived, a shortage of mentors, special physical or mental challenges, or other isolating conditions. OJJDP continues to fund research to learn which components of the mentoring dynamic are most effective and how providers can enhance the mentoring experience for the mentor and the young person. Among OJJDP's mentoring activities in FY 2013 were the following:

White House Listening Session on Mentoring Children of Incarcerated Parents

On September 30, 2013, OJJDP organized a one-day listening session, "Mentoring Children of Incarcerated Parents," in partnership with the White House's Domestic Policy Council and Office of Public Engagement to explore specifically how mentoring can help this population in Washington, DC. The session brought together national experts in mentoring, researchers, youth service providers, parents, and youth to discuss how to improve or enhance mentoring services for these vulnerable children. Research suggests that 1 in every 28 children in the United States has a parent behind bars. These children often experience financial instability, emotional distress, changes in family structure, problems at school, and social stigma. However, research indicates that supporting healthy and positive relationships between these vulnerable children and their families can mitigate these negative outcomes.

Research on Mentee Risks Status and Mentor Training as Predictors of Youth Outcomes

In FY 2013, OJJDP invested \$500,000 in the Research on Mentee Risks Status and Mentor Training as Predictors of Youth Outcomes project to examine the dynamics of effective mentoring matches. This research project examines whether trained mentors can moderate aggressive, delinquent, and substance abusing behaviors among children of incarcerated parents, youth in foster care, and juvenile offenders. Researchers will analyze data on the mentee/mentor characteristics, mentor training, and support practices from two national archives of data in the MENTOR/National Mentoring Partnership's MentorPro and Big Brothers Big Sisters of America's AIM database. They are also conducting follow-up interviews with program directors to collect more qualitative data on program practices.

CONCLUSION

In conclusion, I believe that we have seen some encouraging trends in the decline in youth in custody, the increase in states compliance with core requirements, and promising reform efforts by states. However, there is still much to be done in a number of areas to include children's exposure to violence; racial and ethnic disparities; and trauma and trauma informed care to name a few. OJJDP is diligently working with our partners, at the state, local, and tribal levels to address these issues. Reauthorization of the JJDPA will strengthen the core requirements and provide the necessary funding to support these important juvenile justice programs. I'd like to thank you for the opportunity to testify before the Committee on this important issue.

ⁱ OJJDP Juvenile Justice Bulletin, June 2013: PTSD, Trauma, and Comorbid Psychiatric Disorders in Detained Youth: <http://www.ojjdp.gov/pubs/239603.pdf>.

ⁱⁱ OJJDP Juvenile Justice Bulletin, June 2013: PTSD, Trauma, and Comorbid Psychiatric Disorders in Detained Youth: <http://www.ojjdp.gov/pubs/239603.pdf>.

ⁱⁱⁱ OJJDP Report - Juvenile Offenders and Victims: 2006 National Report – Pg 234: <http://www.ojjdp.gov/ojstatbb/nr2006/downloads/NR2006.pdf>.

^{iv} *PTSD, Trauma, and Comorbid Psychiatric Disorders in Detained Youth*

^v OJJDP Children's Exposure to Violence: A Comprehensive National Survey Bulletin, October 2009. <https://www.ncjrs.gov/pdffiles1/ojjdp/227744.pdf>.

^{vi} OJJDP Statistical Briefing Book. Released on September 24, 2013. <http://www.ojjdp.gov/ojstatbb/corrections/qa08201.asp?qaDate=2011>.

^{vii} OJJDP Juvenile Offenders and Victims: National Report Series Bulletin, December 2013: *Juvenile Arrest 2011*, Analysis of Snyder, H. and Mulako-Wantota, J., Bureau of Justice Statistics, *Arrest data Analysis Tool*

^{viii} National Research Council. *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press, 2013. OJJDP-commissioned report: http://www.nap.edu/catalog.php?record_id=14685.

^{ix} The School Discipline Consensus Report: *Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System*, June 3, 2014: http://csgjusticecenter.org/wp-content/uploads/2014/06/The_School_Discipline_Consensus_Report.pdf.

^x Institute of Medicine and National Research Council. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*. Washington, DC: The National Academies Press, 2013. OJJDP-commissioned report: http://www.nap.edu/openbook.php?record_id=18358.

PREPARED STATEMENT OF JUDGE HAIGANUSH R. BEDROSIAN

Field Hearing Talk – Senator Whitehouse

Testimony
Haiganush R. Bedrosian
Chief Judge
RI Family Court

Senator Whitehouse, Ranking Member Grassley and Members of the Committee, I am pleased to appear today to testify about the Juvenile Justice and Delinquency Prevention Act. (JJDP). In 1974, our own Associate Justice Edward Healey of the Rhode Island Family Court had begun discussions of how children involved in the Juvenile Justice Systems could be rehabilitated with new methods of treatments. He was a member of the Task Force to write Standards and Goals for Juvenile Justice and Delinquency Prevention for the President's National Advisory Committee on Criminal Justice and the Past President of the National College of Juvenile and Family Court Judges.

The 1970's, 1980's and 90's brought many changes in the laws to protect juvenile offenders and children whose families were involved in child protection services. The Department of Children, Youth, and

Families (DCYF) became a separate department in which our State declared that we have a basic obligation to promote, safeguard, and protect the social well-being and development of the children of the State through comprehensive programs.

1. Bear in mind that in the 1970's, the United States were enmeshed in a war in Vietnam.
2. Feminists were demanding equality for good paying jobs.
3. The NAACP was actively seeking equality for people of color.
4. Congress enacted the JJDPA as the Office of Juvenile Justice, and Delinquency Prevention became part of the Department of Justice.
5. Rhode Island's Family Court which had been created in 1960 was housed in an old school building at 22 Hayes Street; the holding cells in the basement held adults and juveniles in separate cells which were next to one another. Children and adults could see one another and speak to one another. The Garrahy Judicial Complex was built in 1980. Today, cells for juveniles are

separated from the adult cell block. In 1981 the Family Court moved into the Garrahy Complex where the judges have their offices.

6. The Rhode Island Training School (RITS) has a new state-of-the-art building to house incarcerated youth in Cranston.

In the last 40 years in Rhode Island, there have been many changes regarding children in the juvenile justice systems; cases regarding status offenders, as well as wayward and delinquent youth, are heard at the Family Court presided over by an Associate Justice. The exception of some Family Court truancy petitions are those petitions which are heard in the schools where the Magistrates preside over the hearings.

Let me start by stating that as to issues strengthening deinstitutionalization of status offenders, I would like to explain that while the Rhode Island Family Court may advise status offenders that violation of a valid court order could result in an order for detention at the Rhode Island Training School, an order for status offender detention is rare; it's not a regular order made by our judges.

For detained youthful offenders, programs within the training school are geared to educating youth, while treating their social as well as behavioral health problems. Rehabilitation remains as the goal for all youth, whether status offenders or wayward or delinquent youth. With proper timely services, many youth have become upstanding members of society.

Youth who receive their high school diplomas are more apt to be employed. More than 10 years ago, special truancy calendars had been created by Family Court to ensure that Rhode Island's truant children attend school, to invest in their assigned classes in order to receive their high school diplomas. It is often said that detention in training schools is the pipeline to the prison.

Truancy Magistrates hold the truancy hearings at schools throughout Rhode Island. An electronic recorder who travels with the Magistrate means that there is a Court record of the truancy hearings. Often in attendance with the Magistrate are the truant youth, and a parent; the truant officer; school personnel such as the guidance

counselor; a concerned teacher or the principal. This is an opportunity for all interested parties to discuss a plan to keep a child in school; to address the provision of the best services to benefit the child's educational requirements, as well as social services, or services of other providers.

Funding from the OJJDP for the truancy calendars has benefited thousands of school children whose school attendance has improved. Let me explain that these hearings are all part of diversion calendars that are heard outside of the courtroom setting. By assigning hearings at the school, all participants are available to attend the hearing to offer their input.

Additionally, Federal funding for the Family Court's Drug Treatment Calendars have also been a benefit for more than 2,400 Rhode Island youth; this calendar is scheduled one day each week. Retired Associate Justice Pamela Macktaz has presided over this calendar, assisting youth and their families in overcoming the problems related to substance abuse. Experienced counselors work with the

youth and their families. The work with the counselors assures the graduation from the drug court calendar by using helpful and necessary social services to help drug involved youth combat the use of illegal drugs and alcohol. I am confident that I speak on behalf of all the families to thank you for funding programs assisting Rhode Island youth who have accomplished the program goals set to stop using drugs and to live a healthy lifestyle.

PREPARED STATEMENT OF ELIZABETH BURKE BRYANT



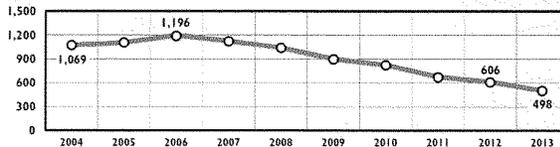
Testimony Re: Juvenile Justice and Delinquency Prevention Act
United States Senate Committee on the Judiciary
June 9, 2014
Elizabeth Burke Bryant, Executive Director

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**

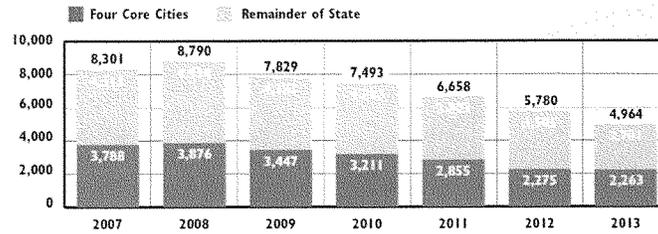


- Between 2004 and 2013, the annual total number of youth in the care and custody of the Rhode Island Training School during the course of the year declined from 1,069 to 498. Some of this decline is due to the cap that was placed on the population at the Training School in July 2008 of 148 boys and 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

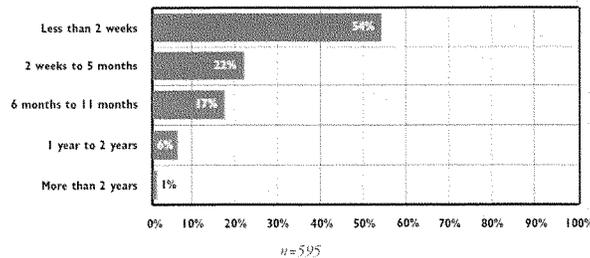


- Between 2007 and 2013, juvenile offenses committed by youth in Rhode Island fell by 40%.

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.

PREPARED STATEMENT OF OSBERT DUOA

Testimony of Osbert Duoa
Senate Judiciary Hearing on “The Juvenile Justice and Delinquency
Prevention Act: Preserving Potential, Protecting Communities.”
Monday, June 9, 2014
Tides Family Services
Pawtucket, Rhode Island

Hello my name is Osbert Duoa and I am 20 years old. I was born in Liberia in 1994. I came to the US with my mom in 1999 when I was 5 years old. We lived in Pawtucket. After a few years, my dad and 3 other brothers came to the US. We all lived separately.

I began getting into trouble when I was 14 years old. When I first got into trouble, as part of my probation, I was sent to live with my father in California. Me & my dad did not get along. I was raised by my mom and did not feel comfortable in California with my dad. I began to hustle in order to get enough money to buy a bus ticket back to RI. Finally I was able to get enough money and took the bus across the country back to RI. No one knew that I was back. I had to stay with friends and was back on the streets. I got arrested for breaking & entering, as well as violating my probation (not living in California) and I spent 7 months in the Rhode Island Training School. When I was released, my probation officer referred me to the Youth Transition Center (YTC) at Tides in Pawtucket. That is how I became connected to Tides and started in the YTC Program.

At Tides, I became part of a positive group of people. I was introduced to activities that I might not have been able to participate in- Six Flags, bowling, movies and hiking. They bought me food when I was hungry. They helped me stay in school, transporting me to and from high school. When I was 16, I began working at Harvest Kitchen, a culinary job training program for kids on probation. Tides helped me get to work on time and not miss a day. Getting into trouble and being on probation was difficult and stressful. I had to think before I did anything. I was being sneaky. Once I started working at Harvest Kitchen and making money, it made me stay on track. I had people supporting me at Tides and at work. My mom continued to support me and I had a baby brother to take care of. All of these things helped me to stay strong and I did not violate my probation. My probation ended when I was 18 years old.

I graduated from high school, helped my mom get our own house in Providence, and helped take care of my little brother. I gott a car and got hired as the Retail

Sales Manager for Harvest Kitchen, where I work at the Rhode Island Farmers Markets. I enjoy making my own money and I am not influenced by my old friends any longer. I am my own person with my own goals.

I left Tides in 2012, but I still visit and bring samples of our Harvest Kitchen products for people at Tides. Tides created a family environment for me. When I was younger, I didn't realize that there were people who cared about me. Tides made me realize that. I am still growing and still learning.

Juvenile Correctional Services•

The Division of Juvenile Correctional Services has made tremendous efforts in the last several years to; reduce both the length of stay and number of youth sentenced or detained at the Rhode Island Training School, reduce both the length of stay and the number of youth in out of home placement, increase the availability of evidence based and best practice programming for youth and families active within its institutional and community programs. In addition, the Division of Juvenile Correction Services has enhanced training programs to improve the skill level of its own staff and those providing services to our youth. This work has allowed us to create more promising institutional and community based programming.

In addition to the above, the State of Rhode Island has made a coordinated effort to reduce our reliance on institutional placement and has shifted its focus to serving youth and families within the community. This shift in practice has had a profound impact on the both practice and outcomes for youth. From 2009 to 2014, the Division of Juvenile Correctional Services has experience a 55% reduction in the number of youth on probation. In 2009, 1170 youth were open to probation. Today juvenile probation is servicing 530 youth. This decline has significantly helped the workload responsibilities and capabilities of probation as the average caseload is down from the upper 40's in 2009 to the mid 20's today. The benefit is not only reflected in the reduced numbers but in the fact that today's probation officer now has the opportunity to provide more individualized attention to the youth and to engage families on supporting the youth's rehabilitation efforts through positive behavioral reinforcement.

PREVENTION PROGRAMS

Prevention Programming Impact on our numbers

The coordination of a system of services at the prevention level has impacted the amount of referrals coming into Juvenile Correctional Services. This reduction is a product of system changes such as; the re-introduction of city and town Youth Hearing Boards with 34 out of a possible 39 cities and towns having established a juvenile hearing board. Further, the Family Court and the DCYF have worked in partnership to establish diversionary programs aimed at redirecting first time low risk offenders out of the juvenile system. In addition, in 2009 the DCYF's invested in the development of a statewide community prevention program, Family Care Community Partnership (FCCP). The FCCP has paid dividends by addressing offering families in need with support and access to services without the need for formal DCYF and/or Family Court intervention. Further, the RI Family Court has established several specialty courts (Truancy and Juvenile Drug Court) as well as a Mental Health Clinic -all of which have helped enhance an already existing their Court Intake Unit.

Juvenile Correctional Services•

Juvenile Detention Alternatives Initiative

Rhode Island was selected as a Juvenile Detention Alternative Initiative (JDAI) site in 2009. Rhode Island's JDAI team is comprised of key stakeholders with interests in reforming the State's juvenile justice program. As part of the JDAI reform efforts, legislation has been passed to speed up the adjudication process for juveniles. In addition, the stakeholders have worked on developing a risk assessment instrument which is currently being piloted in the city of Providence. The JDAI process has helped facilitate the collection of data with respect to juvenile arrests and incarcerations.

It is significant to note that during the past five years the average daily census at the Rhode Island Training School has decreased by over 40%! The average daily census decreased from in excess of 160 youth in CY 2009 to 100 youth in CY 2013. In the first quarter of CY 2014 the average daily population at the RI Training School decreased to 83 youth. In addition, the average length of stay for a youth at the Training School has decreased as a result of coordinated efforts to transition youth back into the community. As of the first quarter of 2014, the average length of stay for an adjudicated youth was under 180 days!

Rhode Island has also experienced a significant reduction in the incarceration of females. There has been over a 60% decrease in the incarceration rates of female youth between CY 2007 and CY 2014! As a direct consequence of the JDAI reform efforts, the female youth are now housed in a state of the art facility within the Youth Development Center at the RI Training School.

In addition to the above, there has also been a significant reduction in both the length of stay and the number of youth in out of home placements. Since 2009 there has been a 47% reduction in the number of youth placed in juvenile justice residential community based programs. DCYF currently operate with 53 beds which is down from the 100 beds in 2009. This reduction has been a two pronged process.

First prong; our juvenile justice residential programs have worked closely with the Department in redesigning their treatment models in order to reduce the length of time a youth needs to receive services while in placement. This has lead to a 30 to 40% reduction in length of stay in our juvenile justice programs.

Second prong; the Department has worked hard at developing and recruiting both evidence based and best practice community based services that have helped prevent the need for youth to go into placement and/or have provided the necessary re-entry programming needed for those youth coming out of placement. Programs such as Parenting with Love and Limits (PLL), Multi-Systemic Therapy (MST), Youth Transition Centers (YTC), Harvest Kitchen Program all have had a positive impact on our placement numbers. These programs, and more, will be outlined in more detail later.

Juvenile Correctional Services•

The JDAI reform efforts have galvanized the push for more community based alternatives for youth and has promoted better outcomes for youth and their families.

Graduated Sanction

Juvenile Probation has worked in collaboration with RI Kids Count and JDAI staff in drafting a Graduated Sanctions Matrix. The purpose of this project was to evaluate current practices, bring about a common approach to addressing key behavioral and criminal issues that youth may experience while open to Juvenile Correctional Services (JCS), quantify and qualify these behaviors based on level of infraction and level of risk, and then implement on a state wide basis those “sanctions” that already fit under JCS authority.

The outcome of this work has been a streamline of protocols as to what Probation Counselors can, and are expected, to do before needing to address the youth’s behavioral issue by means of a violation of probation. The graduated sanctions approach will explore and at times exhaust alternative interventions before bringing the matter to Family Court.

Home Confinement/Electronic Monitoring Program.(HC/EM)

This program is truly a collaboration between ALL three branches of RI government. The Family Court; DCYF, Public Defenders Office, Attorney General; and the General Assembly, through agreements, program planning and legislation created a program that expanded traditional Home Confinement to what is today a more comprehensive and reliable alternative to the Detention or Sentencing of youth at the RITS.

HC/EM allows our most high risk youth, who by statute could be sentenced to the RITS, to either remain in the community during the pre-trial period or in lieu of incarceration be released early from their incarceration or avoid sentencing all together. Currently, supervised by the Office of Juvenile Probation, the youth’s access to the community is determined by the Family Court and by state statute. HC/EM is not to exceed 60 days (detention alternative) or 90 days (sentencing alternative). It is important to understand that HC/EM is a monitoring tool and in order to be effective other behavior changing services must also take place.

Positive results. HC/EM started in January of 2012. The 2012 & 2013 statistic show that approximately 330 youth took part in this program. The combined (pre-adjudicative youth & sentence youth) population during this two year time period showed an 82% success rate. This means that 82% of those youth placed on the device did not have a technical infraction or new criminal charge that would lead to termination from the program.

To put this into more practical terms this means that approximately 280 youth fully benefited from this program and were allowed to remain in the community, receiving services in the community, during and after the period of use. This greatly reduced the detention and sentenced population over this time period.

Juvenile Correctional Services•

PROGRAMMING: CLINICAL & JJ BASED

Development of Evidence Based, Promising Practices, and Best Practices Programming Since 2009 JCS has either developed or adopted several significant intervention models that have aided in our work with our population.

Multi-Systemic Therapy (MST) and **Parenting with Love and Limits(PLL)** are two evidence based/promising practice models that DCYF have implemented agency wide. As each program has a slightly different focus having the availability to both of these services has greatly enhanced our ability to have youth remain in the home or transfer home in a more timely fashion.

Youth Transition Centers (YTC) were researched, created and implemented from OJJDP best practice model Day Reporting Centers. Rhode Island worked extensively with the Department of Youth Services in Massachusetts on developing our model. The YTC is a public/private collaboration between Juvenile Probation and Tides Family Services. It is designed as a re-entry program for high risk youth leaving our correctional and residential facilities. It is also used as an alternative to incarceration for high risk youth currently in the community. The program is designed to provide service for approximately 6 months as this period of time is seen as the most crucial for youth re-entering their community.

The YTC is designed to provide an array of services including; intensive supervision, outreach & tracking, community services, youth specific counseling, psycho-educational groups and an array vocational and educational services. The model places a strong emphasis on building community resources (not departmental) for each youth so they can successfully re-enter or remain in the community. Based on this belief the program brings in community based programming like substance abuse counseling, vocational programming and educational assistance so the YTC facility is used as a hub for services and does not need departmental funding in order to provide the service.

YTC programs are located in the city of Providence (covering Providence & Cranston) and Pawtucket (covering Pawtucket and Central Falls). These locations cover approximately 60% of the JCS client population. Several of the programming pieces currently used by the YTC are also part of Juvenile Probation's array of services which will be described below.

Non-Violence Workshops.

Juvenile Probation, in partnership with the University of Rhode Island's Center for Non-Violence and Peace Studies has been providing non-violence programming to our most high risk youth at the YTC. In preparation for the implementation of these workshops, URI has provided training for probation and Tides YTC staff. This programming explores the Kingian Principles of Non-Violence and is seen as offering each student the

Juvenile Correctional Services•

possibility of making life-long changes in their relationships at home, with friends, and in their community. Though funding for these eight (8) week sessions is not costly it is not a “billable” service. Juvenile Probation has struggled to keep this program in place. We have a gentlemen’s agreement to keep the program with URI while further funding is explored.

Probation Clinical Assessment Program (2014)

Juvenile Probation, in partnership with Dr Mary Clair at URI’s Cancer Prevention Research Center has developed an educational and clinical assessment program. This program allows for interns, under the supervision of Dr. Clair to administer an area of assessments to assist our probation officers in find the appropriate level of educational and clinical needs. This unfunded position has been helpful for those high risk youth who for either behavioral or financial reasons have not been able to get such testing.

Transition to Success

In 2010 Juvenile Correctional Services entered into a partnership with Tides Family Services to address one of the key high risk factors prevalent in our juvenile justice population and that is substance abuse. Tides and JCS worked together on the program design, and Tides administers and oversees the services outlined below. Transition to Success is funded by the Center for Substance Abuse Services (CSAT) of the Substance Abuse and Mental Health Services Administration (SAMHSA), *Transition to Success* works with juveniles who have significant substance abuse histories and are re-entering the community after an adjudicated stay at a secure detention facility. *Transition to Success* provides seamless services beginning in the correctional facility and continuing into the community. Program staff, as well as Correctional, Probation, and Stakeholder Partnership staff, are trained in Motivational Enhancement/Cognitive Behavioral Therapy - Five Sessions (MET/CBT5), an evidenced-based treatment model proven effective with juvenile corrections populations. MET/CBT5 is the framework *Transition to Success* staff and community partners use for treatment and recovery services with this population. Community-based services including: outreach and tracking, care coordination, school and workplace support are provided to youth as they transition back to the community.

The following are a few of the results on youth who participated in this study (based on first 108 youth). 58% of the youth who have been out of the RITS for 6 months remain drug free. 90% of those youth out of the RITS for 1 year remain in school or employed. Only 10% of those youth who have been out of the RITS for 1 year report new arrests. The study compares the 1 year arrest figures with New York, Delaware and Virginia and they are 47%, 45% and 42 % .respectively. JCS has benefited significantly from the services provided under this grant and will evaluate further implementation and cost associated.

Transitional Planning Initiative

In the spring of 2014 Juvenile Correctional Services implemented a comprehensive transitional planning initiative that will greatly enhance the communication, planning and programming of all youth who are sentenced to serve time inside the RITS. The re-entry

Juvenile Correctional Services•

program starts at the point of intake into the Training School. As part of the transitional planning process, the RITS staff and the staff from the Juvenile Probation office participate in formal and informal meetings from the time the youth is adjudicated and sentenced into the Training School to the time of re-entry into the community

Probation has re-organized part of its division in order to create the Transition Unit. This change was made in order to allow staff to focus on smooth transitional planning while the youth is in the RITS. Understanding that the key element to re-entry success lies in the youth's continued progress in the first 6 months back in the community we have created an intense re-entry supervision program. This intense supervision and programming model starts to take place prior to the youth's release and continues until the team (youth, family, service providers and probation) feel it can be gradually reduced. As it has just begun no data on its effectiveness is available at this time.

JCS VOCATIONAL PROGRAMING

The Harvest Kitchen Project

The Harvest Kitchen Project is a workforce development collaboration between DCYF/ Division of Juvenile Correctional Services and Farm Fresh Rhode Island for youth in the juvenile justice system who are either in the community and open to probation or those that are currently under sentence at the Rhode Island Training School (RITS). The skills, learn more about sustainable agriculture by working closely with Rhode Island farmers, and learn how to produce a meaningful and healthy product for consumers.

In 2009, with the support of the RI Foundation and the US Department of Justice, the Harvest Kitchen opened its doors as a juvenile probation culinary arts training program. The Harvest Kitchen Project began its first session in January 2010 as a 15-week culinary and job-readiness training program for youth open to juvenile probation. The trainees began washing, chopping, peeling, cooking, mashing, jarring, and dehydrating locally grown apples on a weekly basis to sell at the Wintertime Farmers Market in Pawtucket, Rhode Island. Today the Harvest Kitchen has a line of high quality preserved, baked and frozen food products ranging from three different types of apple sauce to a variety of baked goods, from pickles to frozen soup products. Our products are labeled and sold at stores and markets throughout Rhode Island as well as Boston.

In January of 2012 the Harvest Kitchen expanded into the RITS. Perkins funding has allowed Post Secondary students at the RITS to participate in the Harvest Kitchen Project while still at the RITS learning to produce the same products utilizing the same standards and procedures as the Harvest Kitchen in the community. This expansion into a second Certified Kitchen allowed the Harvest Kitchen to meet the growing demands for Harvest Kitchen products and allowed the youth at the RITS to be better prepared for community based Harvest Kitchen opportunities upon their re-entry into the community. Once accepted into the Harvest Kitchen Project in the community, all trainees will be afforded further community service, training, paid internships and employment opportunities that are connected to the Harvest Kitchen Project at Farm Fresh RI, RISD, Schartner Farms,

Juvenile Correctional Services•

Blue Cross Blue Shield of RI, the Market Mobile, the Community Kitchen at the RI Food Bank, local food kitchens, and area restaurants.

Harvest Kitchen Accomplishments:

Since its first class in 2010 Harvest Kitchen has provided community based culinary arts training to 117 juvenile correctional services youth. We have had a 74% graduation rate and a combined employment/continued education or vocational training rate of 70%

Farm Fresh student placements have included such sites as RISD, Sandwich Hut, Blue Cross/Blue Shield of RI, Shartner Farms and Rue De L'Espoir

Success has also been measured in the fact that Farm Fresh participants had an overall recidivism rate of just over 5% (measured at 1 year out)

Today the Harvest Kitchen operates out of three sites. Pawtucket, RITS and West Warwick

2013 Harvest Kitchen began working out of the kitchen at Tides Family Services in West Warwick. This site is used once a month and works with probation youth in need of performing community service.

2013 Harvest Kitchen moved their community based operations into its own facility in Pawtucket RI. This move alone has brought a deep sense of, legitimacy and stability to a program that has shown nothing but growth over its first 4 years of existence.

2013 the RITS kitchen came online. By adding this site, the Harvest Kitchen Project has been able to do some truly amazing things. Gross sales total for all of 2012 was just over \$20,000. For 2013, that number was \$47,000 representing a 43% increase.

Spring of 2013 & 2014 the Harvest Kitchen produced bakery products for the Providence Rescue Mission for their Annual Community Easter Dinner.

June, 2013 the Sustainable Agriculture and Food Systems Funders came to the RITS to visit the Harvest Kitchen Project.

2014 our partner Farm Fresh received the RI Foundation Community Leadership Award for Innovative Programs (inclusive of the Harvest Kitchen Project).

New projects underway at Harvest Kitchen for 2014-2015.

With a grant awarded to Farm Fresh RI from the US Department of Agriculture the RITS Harvest Kitchen will become the test site for the Farm 2 School Project. RITS Harvest Kitchen will be processing and blast freezing vegetables for local schools as a pilot project.

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In 2014 the RITS Harvest Kitchen Project, with support from Shartner Farms, began a gardening project as a way to produce vegetables and herbs for the meals they prepare for themselves during Harvest Kitchen Classes. Harvest Kitchen Instructors are utilizing the Garden Time Curriculum. Garden Time mission is to create garden programs for incarcerated men and women at the ACI.

In 2014-2015 Confreda Farms has asked the Harvest Kitchen Project to produce their private label food line

YTC Community Service Garden Program

Through start-up funding from our Department and in collaboration with Farm Fresh RI, Tides Family Services and AS220 probation established a “Restorative Justice” program based around garden building and gardening. Located in the heart of south Providence this hands on program has youth working along-side probation and Tides staff in creating building and caring for a neighborhood garden. Produce from the garden has been used by Harvest Kitchen staff in making salsa. Youth participating in this program learn to give back to the community by taking part in this community service program

Juvenile Correctional Service Vocational Building

In early 2014 the Department opened the doors on its new state of the art Vocational Tech building. Housed right outside the gates of the RITS this facility offers programming for both the residents of the RITS as well as youth placed on juvenile probation status and currently living in the community. Vocational Tech classes are held regularly at the RITS. With this facilities community access JCS anticipates establishing a list of programming that will be available for those youth who have earned a discharge from the RITS, are still open to probation, and could use continued training.

The Training School also offers a certified Culinary Arts programs for youth incarcerated at the RITS. Through the Culinary Arts program, students learn the principles and techniques of food preparation, handling, food service and restaurant management. The study of nutrition, sanitary codes, and inventory control are included in the competency-based curriculum. In addition, culinary arts skills are reinforced through related studies in the classroom.

AS220 JCS Vocational Training Programming.

Juvenile Correctional Services has expanded its longstanding relationship with AS 220 to include vocational training at our new facility. AS220 has already run two training sessions on carpentry. The model is designed to offer identical classes for youth in the RITS and youth coming from the probation community. Early responses from AS 220 instructors have been more than positive as one instructor put it. “It has been the best class they have ever taught at the RITS”. The goal is to provide an opportunity for our youth to the vocational field and start to establish basic skill sets for each discipline they

Juvenile Correctional Services•

offer

Garden Time Program (Brand New Program)

In 2014 the RITS Harvest Kitchen Project, with support from Shartner Farms, began a gardening project as a way to produce vegetables and herbs for the meals they prepare for themselves during Harvest Kitchen Classes. The RITS has built their own garden beds and Harvest Kitchen Instructors are utilizing the Garden Time Curriculum. Garden Time mission is to create garden programs for incarcerated men and women at the ACI.

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June 12, 2014

The Honorable Sheldon Whitehouse
 US Senator
 170 Westminster St. #1100
 Providence, Rhode Island 02903

Dear Senator Whitehouse,

The staff of Rhode Island for Community & Justice (RICJ) appreciated the opportunity to attend your June 9th field hearing of the US Senate Judiciary Committee, on Juvenile Justice and the reauthorization of the JJDP/Juvenile Justice and Delinquency Prevention Act. We are pleased that the first such hearing was held in Rhode Island. Thank you for allowing us to submit testimony following the hearing. In the statements by Director Listenbee, Chief Judge Bedrosian, Ms. Burke Bryant and Mr. Duoa, we heard several common themes we feel are critically important.

One theme was the need for states to *assess and remedy disproportionate minority contact (DMC) in the juvenile justice system*, to eliminate racial and ethnic disparities. We agree. Recent data indicates 66% of the average daily population of juveniles at the RI Training School¹ and 45% of juveniles arrested² are minorities, greater than their representation in our population (36%)³. We celebrate the recent declines in juveniles arrested and in the number of juveniles held at the Training School¹. Yet we note that in the past year, the decline in arrests was far greater for White (-26%) than Black juveniles (-9%) and arrests for Hispanic juveniles increased (5%)². Eliminating DMC is necessary to give *every* juvenile at risk a fair chance to emerge from the justice system and move toward a productive and successful life, as Mr. Duoa's testimony illustrated he has done. Eliminating DMC requires thoughtful efforts from *every part of the system* – police, courts, child welfare, mental health and social services, correctional and health facilities, schools, community diversion programs and adult and juvenile community members.

Collaboration is fundamental to reducing DMC. RICJ's **DMC Diversionary Project** was established in 2008 to propose and implement economically feasible system changes to help divert minority youth from the justice system into safe and effective community services. Guided by a multidisciplinary DMC Advisory group and a mission to target its work to DMC reduction, six working groups created strategic action plans for system change and have worked steadily since 2010 to implement them. The project with its recent accomplishments is briefly described in the attachment. In particular, our work in cultural competency education, juvenile hearing board best practices, police training, school/SRO relationships, legal interpretation, and youth assessment networks promise to promote equity in the system. We take pride in the success of this multifaceted professional/community consortium, and grateful for the funding that made it possible, an OJJDP formula grant through the RI Department of Public Safety. Yet, due to budgetary constraints, our funding declined in FY 2013 by almost 38%, down to \$50,000 per year, and it certainly affects the success of this important project. Senator Whitehouse, we hope your efforts to highlight the importance of reauthorizing the JJDP will help lead to the restoration of OJJDP funding for the many programs affected by budget cuts, including our DMC Diversionary Project.

A second key theme was underscored by Director Listenbee's call for *innovative programs with proven effectiveness, programs to prevent incarceration and recidivism through early and developmentally appropriate assessment and services*. We want to highlight one significant example – an innovative model of community based diversion pioneered by Rhode Island since the 1970's. Both Judge Bedrosian and Ms. Burke Bryant mentioned the value of Rhode Island's system of **Juvenile Hearing Boards**. We wanted to take this opportunity to provide further information about this innovative community-based diversionary approach and its value. We believe it is a model for the nation, and that OJJDP should invest in the development, evaluation and replication of this low-cost intervention. *We ask that this important Juvenile Hearing Board model be considered for future study and support.*

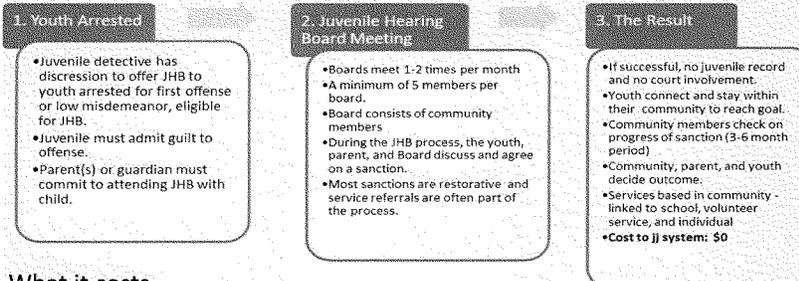
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Rhode Island Juvenile Hearing Boards

JHBs are an exemplary model of community diversion, used only (we believe) in RI and CT, that can be replicated elsewhere. In Rhode Island, JHBs are municipal entities with members appointed by town/city councils. Members live and work in the communities they serve.

In Rhode Island, JHBs began in the 1970's. By 1997, there were 18. Today, with the support of the DMC Diversionary Project JHB Committee, JHBs are active in 36 of 38 cities/towns. Municipal ordinances allow police departments to refer juveniles to this panel of dedicated community volunteers (social workers, educators, parents, etc). The JHB reviews selected non-violent offenses committed by youth generally aged 10 to 17, and orders sanctions, reparations, counseling, etc., as an alternative to having cases referred to court. JHBs report data on juveniles served to the Family Court.

The Model



What it costs

Because JHBs are a community-based alternative to the Juvenile Justice System, it costs significantly less than if the juvenile was seen at court. **Juvenile Hearing Boards cost the state of Rhode Island and the Federal government almost nothing: \$0.** Some municipalities offer a small budget to JHBs to pay for support services like counseling and tutors. Others cities – Burrillville, Foster, Glocester, Johnston, North Providence, Smithfield, and Scituate – have linked their JHB with a local social service agency (Tri-Town Community Action) to provide support to youth and families.

Why it works

One unusual aspect of the model is that community volunteers preside over non-court "hearings" that prevent juveniles from entering "the system". When a youth successfully completes their sanction, the charge against them is dismissed and their record is expunged. JHBs are also crucial in 1) enabling youth to connect and receive services within their communities, 2) promoting positive and personal relationships with juvenile detectives and youth, and 3) allowing youth to collaborate with JHB members and their family to determine an individualized sanction. Finally, since JHBs are community-based, members often maintain relationships with a young person upon completion of their sanction.

The RICJ DMC Project JHB Initiative and Outcomes

In 2009, Rhode Island for Community and Justice (RICJ) partnered with then-Lincoln JHB Chair, Col. Rene Remillard, to connect and enhance the work of Juvenile Hearing Boards across the state. The JHB Initiative's mission is to disseminate best practices, create standards, build ongoing relationships and increase the number of JHBs especially in our urban core cities. RICJ worked with Col. Remillard to create a Juvenile Hearing Board Committee tasked with accomplishing these goals. Here are the most impressive achievements from the collaborative partnership:

1. JHBs used the Initiative and its regional meetings to share "best practices", solutions to challenges and creative ideas for sanctions, and members report they are putting these practices into use.
2. Since the JHB Initiative began in 2009-10, an additional six JHBs are now active, including one in the Capital City of Providence. Another in Central Falls is reactivating (both urban minority cities).

Page 3

3. From 2009 when RICJ created the JHB Initiative thru 2013, over 2,600 juveniles were served through JHBs, diverting them from the Family Court at an enormous savings to the Court (and with enormous benefit to juveniles, families and the community).
4. Juvenile Detectives who most often refer youth to JHBs and School Resource Officers received training in *Effective Police Youth Interactions* from the RI Police Training Academy in Oct-Nov 2013. The DMC Project worked with the Academy to bring this CT-based training, serving 60 officers and training 18 as new instructors for this curriculum.
5. As well, due to the combined work of many including DCYF, the Family Court, the JDAI initiative, our DMC project and many others, the number of juveniles incarcerated in the RI Training School significantly decreased. In July 2008, a cap was placed on the juvenile population at the Training School of 148 boys and 12 girls on any given day. Yet, the RITSY population continued to further decline by 32% between 2009 and 2012 (RI KidsCount, 2013).
6. Again due to a number of complex factors and the work of many, juvenile crime rates continue to decrease. Statewide, 5401 juvenile were arrested in 2009, dropping to 2977 in 2013. In Providence, juvenile arrests were 974 in 2009, and dropped to 498 in 2012 (RI State Police Crime Report).

YOUTH REFERRED TO JHBs	PERCENTAGE OF TOTAL ARRESTS	TOTAL ARRESTS
387 (est. 467)* (2013)	13% (ext. 16%)	2977
464 (2012)	13%	3639

*2013 data was not submitted by Burrillville, Hopkinton, North Kingstown, Smithfield and West Warwick JHBs. Based on the prior two years data, we estimate these JHB's would have seen 80 juveniles during 2013.

Senator Whitehouse, we need every juvenile to grow up to become a productive part of Rhode Island and its economy. The issues are urgent and the solutions cannot wait. We cannot afford, morally or financially, not to give juveniles at risk every chance for a bright and productive future. Thank you for caring about these juveniles and for your promotion of the JJDP. We hope this testimony is of use in examining juvenile justice interventions that work. Thank you.

Sincerely,



Toby Ayers, PhD
 Executive Director, RICJ
 Program Director, Juvenile Justice DMC Diversionary Coalition

¹ *Juvenile Detention Alternatives Initiative: 2014 First Quarter Data Overview. Presentation to JDAI Steering Committee, May 12, 2014. Source: JDAI Quarterly Reporting Spreadsheet, RI Family Court and DCYF.*
² *2013 Juvenile Detention Data. Thomas Mongeau & Gina Tocco. RI Department of Public Safety, Public Safety Grant Administration Office. 2014.*
³ *2014 Rhode Island KIDS COUNT Factbook / Family and Community/Racial and Ethnic Diversity, pg. 16.*

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State of Rhode Island and Providence Plantations
Rhode Island Department of Children, Youth and Families
Lincoln D. Chafee, Governor *Dr. Janice DeFrances, Director*



As active members of the community, we share a vision that all children, youth and families
reach their fullest potential in a safe and nurturing environment

June 16, 2014

The Honorable Sheldon Whitehouse
US Senator
170 Westminister St., Suite 1100
Providence, RI 02903

Dear Senator Whitehouse:

I want to thank you and Chairman Patrick Leahy for holding the US Senate Committee on the Judiciary's Hearing on the Reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP). During your time as Rhode Island Attorney General, you spearheaded key efforts around gang intervention and truancy prevention in your efforts to reduce the number of youth entering the juvenile justice system and increase the numbers of youth entering adulthood successfully. Your collaboration with DCYF, providers and advocates helped lay the groundwork for the juvenile justice system in Rhode Island today that focuses on prevention and earlier intervention, community-based services and boasts a significantly lower number of youth who are adjudicated and incarcerated.

While I was unable to attend your June 9th hearing at Tides Family Services in Pawtucket, I believe it is important for the Senate Judiciary members to have an understanding of what we have been able to accomplish in Rhode Island and how we have done so. Please accept the attached written testimony in regard to the JJDP. As always, I and my staff stand ready to assist you and the Senate Judiciary in your efforts to focus the JJDP on effective practices that improve the lives of our young people and keep them out of the Training School and the ACI.

Sincerely,

A handwritten signature in cursive script that reads "Janice DeFrances".

Janice DeFrances, Ed.D.
Director, RI Dept. of Children, Youth and Families

pc: Honorable Lincoln D. Chafee
Secretary Steven M. Costantino
Lara Quint
Karen Bradbury

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June 12, 2014

The Honorable Sheldon Whitehouse
 170 Westminster Street, Suite 1100
 Providence, RI 02903

Dear Senator Whitehouse:

We attended your field hearing of the Senate Judiciary Committee in Rhode Island on June 9, 2014, in regard to the *Juvenile Justice and Delinquency Prevention Act*. Thank you for holding a meeting here in Rhode Island, and allowing those of us working with youth in the community to submit testimony.

We agree with testimony given at the hearing by Robert L. Listenbee and Elizabeth Burke Bryant regarding the need to strengthen the Disproportionate Minority Contact (DMC) core requirement, and requiring states to take concrete steps to reduce racial and ethnic disparities in the juvenile justice system. Further, we agree with Ms. Burke Bryant that expanded training, technical assistance, research and evaluation are needed in the area of DMC reduction.

RICJ's DMC Project was established in 2008 to promote alternatives for juveniles in the state of RI. The Project represents a cooperating consortium from across the justice system including the courts, law enforcement, education, mental health, community, and youth. This group of dedicated volunteers, called our Advisory Committee, meets to discuss ways to reduce the overrepresentation of minority youth within the juvenile justice system. Through the work of this collaborative Advisory Committee, **cultural competency** was identified as an essential skill necessary in the reduction of DMC.

Cultural competency has been found to be an integral component of effective services, especially the provision of services to minority youth. The U.S. Department of Health and Human Services Office of Minority Health developed National Culturally and Linguistically Appropriate Services (CLAS) Standards in Health and Health Care, intended to advance health equity, improve quality and help eliminate health care disparities by establishing a blueprint for health and health care organizations. RICJ believes the CLAS Standards can and should be utilized by practitioners in the criminal justice system as well, and would assist with the reduction of DMC. The DMC Project's Mental Health Subcommittee was charged with the development of Cultural Competency and Youth Culture Curricula geared toward justice system staff and policy makers.

These curricula templates are adaptable to the needs of all professionals working with juveniles. As Chair of the Mental Health Subcommittee, Shanna Wells led a volunteer collaborative of mental health professionals, community advocates, and DMC Project staff in the development of a comprehensive, three-day Cultural Competency training.

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Cultural competency training differs from diversity training in important ways. Diversity training generally teaches about differences between groups, and can often perpetuate stereotypes of certain groups. Diversity training tends to focus on "the other," attempting to educate practitioners about ethnic and cultural groups unfamiliar to them. The cultural competency training developed by the RICJ Mental Health Subcommittee focuses on the practitioner, helping them to examine the psychologies of privilege and prejudice, the historical patterns that have led to institutional racism, how personal biases and values may perpetuate institutionalized racism like DMC, and the implementation of CLAS standards as a way to transform their organizations.

RICJ believes that to reduce DMC, policy makers at the highest levels of criminal justice organizations must recognize the part institutional racism plays in DMC and seek to dismantle it. At every point in the continuum of contact between minority youth and the criminal justice system, decisions are being made that will potentially impact that child's life for years to come. All practitioners in that field could benefit from expanded training that concentrates on recognizing their own bias, and understanding the complex person in front of them. As one moves higher up the ladder in these organizations to the policy level, staff is increasingly underrepresented by people of color. Thus policies are made by well-intentioned folk with little knowledge of their own biases or the populations most impacted by their decisions.

In June 2013, the first Cultural Competency and Youth Culture Training was held with RI DCYF line staff at the Child Welfare Institute at Rhode Island College. Pre- and post-testing indicated an average knowledge gain of 28 points by participants and very high satisfaction with the experience, with ratings averaging 3.9 on a 4-point scale. In exit evaluations, participants strongly indicated that policy makers at the top level of DCYF should be required to take this class. To date, we have not been able to convince top leadership in child welfare to commit to more than a three-hour training on this issue. We have found law enforcement is generally reluctant to have such content taught by those who are not police, and our courts do not appear to see a need beyond what they currently do in their diversity training.

By requiring states to take concrete steps to reduce DMC, and expanding training, technical assistance, research and evaluations of evidence-based and promising practices, real progress could be made.

Thank you very much for your kind attention to this matter.

Sincerely,



Shanna Wells, M.Ed.
Mental Health Subcommittee Chair

Executive Director
West End Community Center, Inc.



Toby Ayers, Ph.D.
Project Director, DMC Diversionary Project

Executive Director
Rhode Island for Community & Justice