# H.R. 1900, THE JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 2001

## HEARING

BEFORE THE

SUBCOMMITTEE ON SELECT EDUCATION

OF THE

COMMITTEE ON EDUCATION AND THE WORKFORCE

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

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## *TABLE OF CONTENTS*

TABLE OF CONTENTS..... i

OPENING STATEMENT OF THE HONORABLE JAMES C. GREENWOOD, SUBCOMMITTEE ON SELECT EDUCATION, COMMITTEE ON EDUCATION AND THE WORKFROCE, U.S. HOUSE OF REPRESENTATIVES..... 2

OPENING STATEMENT OF RANKING MINORITY MEMBER, TIM ROEMER, SUBCOMMITTEE ON SELECT EDUCATION, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES..... 4

STATEMENT OF THE HONORABLE JERRY REGIER, CABINET SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES, OKLAHOMA CITY, OKLAHOMA ..... 5

STATEMENT OF THE HONORABLE DAVID GROSSMANN, JUDGE, COURT OF COMMON PLEAS, HAMILTON COUNTY, OHIO..... 8

STATEMENT OF DR. EDWARD MULVEY, PSYCHIATRIST, LAW AND PSYCHIATRY RESEARCH, WESTERN PSYCHIATRIC INSTITUTE AND CLINIC, UNIVERSITY OF PITTSBURGH SCHOOL OF MEDICINE, PITTSBURGH, PENNSYLVANIA ..... 10

STATEMENT OF MARK WITTE, DIRECTOR, JUVENILE JUSTICE PROGRAMS, WEDGWOOD YOUTH AND FAMILY SERVICES, GRAND RAPIDS, MICHIGAN ..... 12

STATEMENT OF THE HONORABLE DAVID C. BONFIGLIO, SUPERIOR COURT JUDGE, ELKHART, INDIANA..... 14

STATEMENT OF DOMINIC P. HERBST, PRESIDENT, BETHESDA FAMILY SERVICES, WEST MILTON, PENNSYLVANIA ..... 16

OPENING STATEMENT OF CHAIRMAN PETER HOEKSTRA, SUBCOMMITTEE ON SELECT EDUCATION, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES..... 18

APPENDIX A -- WRITTEN TESTIMONY OF THE HONORABLE JERRY REGIER, CABINET SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES, OKLAHOMA CITY, OKLAHOMA..... 1

APPENDIX B -- WRITTEN TESTIMONY OF THE HONORABLE DAVID GROSSMANN, JUDGE, COURT OF COMMON PLEAS, HAMILTON COUNTY, OHIO..... 1

APPENDIX C -- WRITTEN TESTIMONY OF DR. EDWARD MULVEY, PSYCHIATRIST, LAW AND PSYCHIATRY RESEARCH, WESTERN PSYCHIATRIC INSTITUTE AND CLINIC, UNIVERSITY OF PITTSBURGH SCHOOL OF MEDICINE, PITTSBURGH, PENNSYLVANIA ..... 1

APPENDIX D -- WRITTEN TESTIMONY OF MARK WITTE, DIRECTOR, JUVENILE JUSTICE PROGRAMS, WEDGWOOD YOUTH AND FAMILY SERVICES, GRAND RAPIDS, MICHIGAN..... 1

APPENDIX E -- WRITTEN TESTIMONY OF THE HONORABLE DAVID C. BONFIGLIO, SUPERIOR COURT JUDGE, ELKHART, INDIANA..... 1

APPENDIX F -- WRITTEN TESTIMONY OF DOMINIC P. HERBST, PRESIDENT, BETHESDA FAMILY SERVICES, WEST MILTON, PENNSYLVANIA ..... 1

APPENDIX G -- WRITTEN OPENING STATEMENT OF CHAIRMAN PETER HOEKSTRA, SUBCOMMITTEE ON SELECT EDUCATION, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES……..1

APPENDIX H – WRITTEN TESTIMONY OF RICK MUNIZ, HOLLAND REPRESENTATIVE ON THE MICHIGAN COMMITTEE ON JUVENILE JUSTICE, HOLLAND, MICHIGAN ..... 1

TABLE OF INDEXES ..... 2

# H.R. 1900, "THE JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 2001"

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WEDNESDAY, JUNE 6, 2001

U.S. HOUSE OF REPRESENTATIVES,

SUBCOMMITTEE ON SELECT EDUCATION,

COMMITTEE ON EDUCATION AND THE WORKFORCE,

WASHINGTON, D.C.

The subcommittee met, pursuant to notice, at 10:40 a.m., in Room 2175, Rayburn House Office Building, Hon. Patrick J. Tiberi [vice chairman of the subcommittee] presiding.

Present: Representatives Hoekstra, Tiberi, Greenwood, Platts, Roemer, Scott, and Davis.

Staff present: Patrick Lyden, Professional Staff Member; Michael Reynard, Deputy Press Secretary; Kevin Smith, Senior Communications Counselor; Jo-Marie St. Martin, General Counsel; Linda Stevens, Chief Clerk/Assistant to the General Counsel; Bob Sweet, Professional Staff Member; Holli Traud, Legislative Assistant; Heather Valentine, Press Secretary; Maggie McDow, Minority Legislative Associate/Education; Denise Forte, Minority Legislative Associate/Education; and Cheryl Johnson, Minority Counsel.

**Vice Chairman Tiberi**. The Select Education Subcommittee hearing on H.R. 1900, this subcommittee will come to order, a quorum being present. The Committee on Select Education of the Committee on Education and the Workforce will come to order.

The chairman of the subcommittee, Pete Hoekstra, is testifying in another committee and so he is detained. My name is Pat Tiberi, from Ohio, and I will begin the hearing today. We're meeting, as you know, to hear testimony on H.R. 1900, the Juvenile Crime Control and Delinquency Prevention Act.

I want our witnesses to begin, to give them an opportunity to testify. I'm going to limit the opening statements to the chairman, the ranking minority member, and one designee from each side. Therefore, if other members have statements, they will be

included in the hearing record.

With that, I ask unanimous consent for the hearing record to remain open 14 days to allow member statements and other documents referenced during the hearing to be submitted in the official hearing record.

Without objection, so ordered.

I'm going to delay the statement from the chairman of the subcommittee until he gets here, and also the ranking member, who will be here shortly, as well. And so, with that, I am going to recognize the sponsor of H.R. 1900, Mr. Greenwood. The other sponsor, Mr. Scott, is not here. I'd like to give Mr. Greenwood an opportunity to speak on his legislation and I recognize Mr. Greenwood for the purposes of making a statement for five minutes.

## *OPENING STATEMENT OF THE HONORABLE JAMES C. GREENWOOD, SUBCOMMITTEE ON SELECT EDUCATION, COMMITTEE ON EDUCATION AND THE WORKFROCE, U.S. HOUSE OF REPRESENTATIVES*

**Mr. Greenwood**. Thank you, Mr. Chairman, and I thank Mr. Hoekstra, Chairman Hoekstra, for holding this hearing. I'm going to take the less than stellar attendance as an indication not of the popularity of this bill, but of the lack of controversy that we've been able to develop.

This is a hearing on H.R. 1900, the Juvenile Crime Control and Delinquency Prevention Act of 2001. I'm delighted that Congressman Bobby Scott has joined me in introducing this legislation, which is virtually the same legislation that Mr. Scott and I successfully negotiated on a bipartisan basis last Congress. That legislation was adopted as an amendment to H.R. 1501, on the House floor, by a vote of 424 to 2, and I think one of those two was a vote cast in error.

H.R. 1900 is designed to assist states and local communities to develop strategies to combat juvenile crime through a wide range of prevention and intervention programs. This bipartisan bill represents good policy. In developing this bill, we attempted to strike a balance in dealing with children, young people who grow up and come before the juvenile justice system. We tried to recognize that some of these children, older children, 16 and 17 years of age, in some cases, might be very vicious and dangerous criminals, already. Other children who come before the juvenile justice system are harmless. They're scared and they're running away from abuse at home.

It is an extraordinarily difficult task to create a juvenile justice system in each of the states and in each of the counties of those states that can respond to these very different young people caught up in the law. This legislation acknowledges that individuals who understand the unique characteristics of youth in their areas develop most successful solutions to juvenile crime at the state and local level of government. H.R. 1900 combines current discretionary programs into a prevention block grant to the

states and allows states and local communities discretion in how such funds are used.

We recognized that we needed to build some flexibility into the system, enough flexibility to allow the local officials to use their own good judgment, based on the realities of each situation, and yet not give them so much flexibility that harm could be done to the child. We dealt with very sensitive issues like the deinstitutionalization of status offenders, how to address the over-representation of minorities in the juvenile justice system, and determining the correct balance between block-granting funds to the states and keeping some federal strings attached.

I believe we've found that balance. We have found a way to provide the additional flexibility that our local officials need, still protect society from dangerous teenagers, and protect scared kids from overly harsh treatment in our juvenile justice system.

Again, Mr. Chairman, I want to thank you and Mr. Hoekstra for holding this hearing today and I look forward to hearing from our witnesses. I look forward to working with you and Congressmen Roemer and Scott to move this bill through the legislative process.

And let me just add that, at a time in Washington when there's a lot of talk of bipartisanship, Mr. Scott and I and the others who have worked on this bill have actually walked the walk, and we've been doing it for several years now. This bill truly is, I think, a perfect example of bipartisanship, where Mr. Scott and I have hammered our way through all of the controversial issues. I think we've developed a bill that is really ready to move through the Congress without further controversy and to be adopted into law. I look forward to the hearing.

I yield back.

**Vice Chairman Tiberi**. Thank you, Mr. Greenwood.

Without any further delay, we'll go right into the witnesses' testimony, and break once Chairman Hoekstra or Ranking Member Roemer come in for their opening statements.

So, with that, I would like to introduce the panel that is here today. The Honorable Jerry Regier. Mr. Regier is the acting director of the Oklahoma State Department of Health and Cabinet Secretary of Health and Human Services in Oklahoma City. He is a nationally recognized speaker on youth and family issues and the criminal and juvenile justice system.

Thank you for coming today.

I'd also like to recognize from the great state of Ohio, where I hail from, the Honorable Dave Grossmann. Judge Grossmann was a juvenile and family court judge, in Cincinnati, Ohio, for 30 years. He is a past president of the National Council of Juvenile and Family Court Judges, and a past president of the Ohio Association of Juvenile and

Family Court Judges.

Thank you for coming today.

I'd also like to recognize Dr. Edward Mulvey. Dr. Mulvey is a professor of psychiatry and director of the Law and Psychiatric Program at Western Psychiatric Institute and Clinic at the University of Pittsburgh School of Medicine. He is also a member of two MacArthur Foundation Research Networks, one on mental health and the law and the other on adolescent development and juvenile justice.

Mr. Mark Witte. Mr. Witte is the director of Juvenile Justice Programs at Wedgwood Youth and Family Services, in Grand Rapids, Michigan. He's a licensed marriage and family therapist, as well as a certified social worker.

At this point, I would like to break to recognize the ranking minority member of the committee, Mr. Roemer, who can give an opening statement, and then introduce the next panelist, who hails from his district, I believe.

## *OPENING STATEMENT OF RANKING MINORITY MEMBER, TIM ROEMER, SUBCOMMITTEE ON SELECT EDUCATION, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES*

**Mr. Roemer**. Thank you, Mr. Chairman. I appreciate the opportunity to listen to this distinguished panel of witnesses here from all over the country, to address not only the question of why the crime rate for juveniles is down more than 35 percent, but also try to figure out where we go as we reauthorize this important Act in the future and how we try to keep children out of trouble in the first place.

I know we have a very distinguished panel. Mr. Chairman, we appreciate your help in putting this panel together. I'm particularly proud of the panel, for a variety of reasons. Not only as the father of four children is this panel very important to me, but also we have somebody on the panel that hails from my home district in northern Indiana, and from a town very close to my home town of South Bend, Elkhart. I'm very, very happy to have the judge here.

Let me read a very quick introduction so that I can get to the witnesses here, as well, and hear from all of you, not just my constituent.

Mr. Chairman, I have the pleasure of introducing one of my constituents. The Honorable David Bonfiglio is the judge of the Elkhart Superior Court VI, in Elkhart, Indiana. He has spent the last 16 years on the bench, first, as a juvenile court referee, then as a magistrate, and now as a general jurisdiction court judge. He has also served on the school board and on the board of the YMCA. He brings to us today the perspective of a judge dealing with the children that have gotten into trouble, as well as the community experience of trying to prevent children from getting into trouble in the first place. We look forward to hearing your testimony today, as we look forward to the entire panel's

testimony.

I'm not going to read my entire statement, Mr. Chairman, for the sake of getting the experts here today. I would only say that as a member of the speaker's bipartisan task force on trying to find ways to prevent juvenile justice in the future, this is an issue that we really need to find some common ground and some bipartisan support on. This subcommittee, I hope, can find a way to make some good recommendations to the entire committee and to Congress to address this very, very important issue, which results when our children get into trouble, and monumental cost to society overall, both in fiscal terms, but also in spiritual and economic terms.

So thank you again, Mr. Chairman. I look forward to the witnesses' testimony, and, again, would ask unanimous consent that my entire statement be entered into the record.

**Vice Chairman Tiberi**. Thank you. Thank you, Mr. Roemer.

Completing the panel today is Mr. Dominic Herbst. Mr. Herbst is the founder and president of Bethesda Family Services, a nonprofit corporation established to provide assistance for pre- and post-adjudicated delinquents and status offenders. He has achieved national recognition for Bethesda from the National Council of Juvenile Family Court Judges and the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. The Bethesda model is being utilized in several states.

Thank you to all the witnesses who have come today.

Before the witnesses begin, I'd like to remind the members of the subcommittee that we will ask questions after all the witnesses have testified. In addition, Committee Rule 2 imposes a five-minute limit on all questions.

With that, I'd like to recognize Mr. Regier to begin the testimony today.

## *STATEMENT OF THE HONORABLE JERRY REGIER, CABINET SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES, OKLAHOMA CITY, OKLAHOMA*

**Mr. Regier**. Thank you, Mr. Chairman.

I am privileged to be here today and feel somewhat in a unique role. I had the opportunity to administer the Federal Office of Juvenile Justice and then went back to direct a state for the last five years. As I reflected back on that experience, I thought that when I was the administrator, we weren't in an ivory tower, but, in fact, going back to the state, felt like perhaps I was in an ivory tower. Going back to the state has been a tremendous opportunity to use the laboratory, and in our state (it's a small enough state; three-and-a-half million people) that you can really kind of get your arms around it and begin to make some impact.

I went back to a state where we had just moved juvenile justice out of the Department of Human Services to a separate department to give more emphasis to it. The legislature had just passed reform legislation, the Youthful Offender Act, and so it was an opportunity to go back and try some of the things that we had been talking about at the national level.

I think that at the national level, what I would say the primary role should be is innovation and leadership. When I was at the Department of Justice, I was involved in developing a program at the Department of Justice called Weed & Seed. Then we did a youth component, and that youth component became the comprehensive strategy. So this vision and idea of leadership is something that's very important, to come from OJJDP.

I took some of those concepts back to the state and we developed an approach, and really what we did was three things: we increased secure beds because in our state those had diminished considerably, we began programs for early accountability, and then, thirdly, we wanted to do something with kids when they came out of placement.

I want to share with you kind of what has taken place as a result of that, but by putting in accountability and responsibility for actions, consequences, we really feel like we've developed a balanced approach and have come up with a moniker for the approach that we've taken. That's the Promise Approach to Juvenile Justice, because we believe that you have to have a tremendous balance between the accountability side, as well as the prevention side, but accountability has to run through everything that you do.

I want to share some results that we've seen, and you should have in front of you two very poor copies of charts. We began a STARS Program. It's the State Transition and Reintegration Services Program. One of the hallmarks of what we did in Oklahoma was to create partnerships, and we've created partnerships with Higher Ed. Higher Ed, in fact, now runs two of our group homes. What that means is that kids are exposed to things they wouldn't be exposed to otherwise. There are resources there that they wouldn't be exposed to otherwise. Some of these kids are even taken to sit in on classes. So that's been a great partnership, and I think could be expanded.

*[Refer to Appendix A for the charts referred to by The Honorable Jerry Regier]*

The second partnership has been with the military, the National Guard. We did this in two ways. One was to create a parallel program to the Youth Challenge Program. Youth Challenge, as you know, is a federal program the National Guard has, but it only takes nonadjudicated youth. So we created a parallel program that the National Guard runs for our state adjudicated youth. Then we did a contract with the National Guard to do the follow-up accountability.

I'm one that believes that words mean a lot and what you call something means a lot. We have done away with the term ``after care'' and we call it ``follow-up accountability.'' We did this partnership with the National Guard and that's the STARS data that you see in front of you. In the fiscal year 2000, 1,517 kids, the first quarter of 2001 and the second quarter of 2001, about 400 children, so we'll probably have in the neighborhood of 1,500 to 1,600 youth in 2001 also.

I have almost been reluctant to share the recidivism rates because they're so good. By pairing up these young people with a National Guard person in the community, by contract, and this National Guard person then gives rewards, both negative and positive, to the youth, we have reduced the recidivism rates, as you can see there: 8.3 percent in 2000, 5.7 percent the first quarter of 2001, and 3.8 percent in the second quarter. This kind of follow-up really plays a parental role to these kids that I think is tremendously important.

Lessons learned: accountability, in my view, is the key to lowering recidivism rates, and that accountability really comes at all levels. Waiving juvenile offenders to the adult system I think is absolutely necessary for those that are very violent, because that allows resources to go to those who are amenable to treatment, which I believe is the key issue.

Accountability in programs is another issue. Just incarcerating young people or putting them in institutions isn't the answer, but doing programs while they're there. You're going to hear one today that we adopted statewide, the Bethesda Program, which has had phenomenal results in our existing placements. Then, thirdly, follow-up accountability, which basically helps to follow the kids when they get out, has been tremendously important.

Just real quickly, to finish, in terms of the legislation itself, the mandates, I know, have been amended, but from the state perspective, we are concerned that we have the ability to hold kids in their early offending time. We have started what we call "Community Intervention Centers," which are not jails, but they're places that kids can be held. I would strongly say to the subcommittee that we would like to make sure that CICs can operate within the mandates, whether that's increasing the six hours, allowing CICs to have a locked door on the front door, et cetera.

OJJDP should also evaluate state programs that they don't fund. Many times, the only evaluations that come out are the evaluations that the national office funds. We would really like to see them take leadership by looking at some of these programs in the states and then disseminating that information.

The last thing I'd say to the subcommittee is to be sure to ensure equal funding for the accountability piece and the prevention piece. I know that the bill in front of us today is primarily prevention, but the accountability block grant is critical.

Thank you.

WRITTEN TESTIMONY OF THE HONORABLE JERRY REGIER, CABINET SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES, OKLAHOMA CITY, OKLAHOMA – SEE APPENDIX A

**Vice Chairman Tiberi**. Thank you.
Judge Grossmann**.** ?

## *STATEMENT OF THE HONORABLE DAVID GROSSMANN, JUDGE, COURT OF COMMON PLEAS, HAMILTON COUNTY, OHIO*

**Judge Grossmann**. Thank you, Mr. Chairman. I appreciate the opportunity to be here this morning to testify on a subject that is near and dear to my heart and has been part of my life for most of my adult years. I have been the magistrate for 16 years in Hamilton County, Cincinnati, Ohio, with our Juvenile and Family Court and presiding judge for 24 years after that. Now I am the man with a portfolio that's willing to travel because I'm retired for two years, but work closely with the National Council of Juvenile Family Court Judges. I'm here today under their auspices.

I have a rather simple message that perhaps may be of interest to the subcommittee. First of all, for generations perhaps, at least for decades, Congress and the state legislatures have been attempting valiantly to deal with the problems of juvenile delinquency, abuse and neglect of children, through the human services systems, the executive branch. While those efforts have been, in some cases, useful and productive, in many cases they have not been. The loss or the lack of information for the Congress on the effect of the support of courts has been missing.

In the last few years, though, we've been able to move the recognition that the juvenile court systems and the family court systems are key to the implementing of any efforts to help young people that fall into the jurisdiction of those courts by not only straightening out their own processes, which was number one, because many courts lack the kind of information systems and processes that would help them become good practitioners of best practices, but also to help them get the kind of resources that they absolutely must have if they're going to affect the system.

In the words of Studs Terkel, “If the work we're doing isn't having any effect, we ought to stop doing it." I'm here to tell you, though, from my long experiences, we do know what works. We do have fairly good information of things that do work and that will make a difference, and we simply need to structure our legislation and our work within the systems to make that happen.

I had the privilege, working under the guise of chairing the Metropolitan Courts Committee for the National Council of Juvenile and Family Court Judges, for some years, to help craft several pieces of policy, which have become kind of the guidelines for national practice. One is the Resource Guidelines in Dependency, Neglect and Abuse, which is now almost the yellow brick road for courts across the country, and has been also the spur for Congress to pass some of the bills that have recently become law in the area of dependent, neglected, and abused children. And recently, a resource guidelines on adoption, which is the next piece of finding permanency for children who are abused and neglected and who are, after all, the potential teen to move up into delinquency and eventually into crime.

Those two pieces are now on record and are being very well used across the country to straighten out processes within the courts. It also gives guidelines to those who would support the courts, the resources, which I know you're going to hear very much about from the other witnesses here today. We still lack resource guidelines in delinquency, which would, in effect, become the third piece of the trilogy. It begs to be enacted and we in the judicial work, and especially the National Council, stand ready to do that work.

With those three pieces in mind, we can then move ahead on what we call the Model Courts Movement, which has already produced 23 or 24 courts in the largest cities across the country, which have impacted the number of children who are languishing in the so-called foster care drift. I think of Chicago, which has drastically cut the number of these children very effectively.

The advantage of strengthening the courts and funding a stream (not a great deal of money in Washington terms) but moving that money directly to local courts to do the things which these guidelines now set out to establish best practices has a substantial effect on the whole picture.

The courts become almost the accountability agents for the system. They do possess the power of subpoena, they do possess the power of contempt, but, most importantly, they possess the ability to convene the system, to bring the various players to the table, the various agencies and service people who can cluster around the courts and provide the courts with the resources they need to do the job that I know all of you want done. Therefore, I am here to champion that process and an understanding that you must do whatever you can to funnel the necessary moneys and resources to local courts to do what is now laying out before us all as the path to follow.

There is a long list in the current bill of various projects and programs. They are good programs basically, but they tend to be somewhat loose in their structure. They almost allow you to fund anything imaginable that might be useful in helping delinquency or helping abuse and neglect. I reiterate, we already know those things that work and also we know those things that don't work. If you allow us in the courts to help the system by funding us, at least to the degree where we can expand our model court system, expand our best practices, complete our trilogy and get on with the work to help bring these resources into some kind of structure that we can enable them to do the work that they need to do. That's basically what I'm here to champion this morning.

As I said, I've been at this process for many, many years. My court has had the benefit of some assistance in the past. We have formulated probably one of the finest management information systems going, a computerized system, and there are other things that we need to do. But I'll quit now. Yes, I think you got the message.

Thank you, Mr. Chairman.

WRITTEN TESTIMONY OF THE HONORABLE DAVID GROSSMANN, JUDGE, COURT OF COMMON PLEAS, HAMILTON COUNTY, OHIO – SEE APPENDIX B

**Vice Chairman Tiberi**. Thank you, Judge. We had some technical difficulties with the lights there, and I appreciate your testimony. Dr. Mulvey?

## *STATEMENT OF DR. EDWARD MULVEY, PSYCHIATRIST, LAW AND PSYCHIATRY RESEARCH, WESTERN PSYCHIATRIC INSTITUTE AND CLINIC, UNIVERSITY OF PITTSBURGH SCHOOL OF MEDICINE, PITTSBURGH, PENNSYLVANIA*

**Mr. Mulvey**. Good morning. Thanks. I appreciate the opportunity to be here today and to comment a little bit on the role of research in improving the juvenile justice system.

The fundamental point I'd like to make today is that useful research has and can be done regarding juvenile delinquency and the juvenile justice system. The unfortunate fact in juvenile justice, however, is the system is usually ruled more by fads than empirical findings, and we keep looking for or thinking that we have found the right approach to dealing with juvenile crime. Then, within a few years, we come to realize we've been seduced by a simplistic answer to a very complicated set of problems. To me, the logical approach to this frustrating situation is not to quit asking questions, but simply to ask better ones in a more organized fashion.

Now, one way research can make a clear contribution is by testing some of the assumptions underpinning broad policy positions in this area. There are, for example, three assumptions that underpin the logic of having the juvenile justice system as a separate structure from the adult system. Research on each of these assumptions has and will improve practice and inform policy debate about methods for handling juvenile crime.

The first assumption is that adolescents are different from adults in ways that make it reasonable to consider their cases in a more individualistic fashion. The idea that adolescents think differently from adults and that their actions are more determined by transitory social situations is at the heart of our commitment to a separate juvenile court. I think anybody who has raised an adolescent is pretty convinced of this basic, common sense point.

There's some work that supports this assumption, but much needs to be done. There's been work indicating that adolescents weigh risks and benefits differently than adults, but that above age 14, adolescents may make decisions in a very similar fashion to adults. This is the sort of research that can provide the basis for reasoned approaches regarding the appropriate use of individualistic approach in juvenile justice. It can help get us out of the box of having to choose between wholesale lack of accountability for juveniles and some sloppy statute-based strategies for meting out proportionality.

The second assumption is that we can identify adolescents who are most at risk for future offending and provide services or sanctions to them selectively. Successful juvenile court action rests on the ability to sort out the true bad apples from the adolescents who will straighten out as their lives progress and putting resources into adolescents already too far down the path for criminality is inefficient and may endanger

the community.

There's a large body of longitudinal research done over the past 25 years that has told us a great deal about the risk factors for becoming involved in antisocial behavior. This information has been very useful in targeting and refining prevention programs for adolescents likely to commit criminal acts. We don't know much however; about how serious adolescent offenders straighten out during late adolescence, although we do know that a large proportion of these adolescents do make relatively good adjustments into adulthood. We need to know more about this process in order to know what can be done for serious adolescent offenders found in the juvenile system, because how they got there is one thing, what we do with them when they're there is another question entirely.

A team of investigators I'm involved with are currently pursuing this question, and I think it's an example of the type of research that will help the court do this sorting task better.

Now the third assumption behind having a separate juvenile system is that we have some approaches that work particularly well with adolescent offenders. As I mentioned, this question has certainly been examined for a number of years and there are a few general conclusions that can be drawn from this research.

First is very simple and that is the earlier, the better. Prevention/intervention with families with young children can show positive effects on later delinquency.

Second, different things work at different times in development. There's no magic approach that works at all ages. This simply reflects the fact that factors that contribute to risk change over time and must be addressed in different ways at different ages. This means that juvenile crime can only be addressed effectively by having a balanced portfolio of approaches to prevention and intervention and not swinging all the way toward one or the other too strongly.

Third, the most effective programs with adolescent offenders are comprehensive, theory-based and use structured methods for building skills. Programs that work in multiple spheres of the adolescent's life and are flexible to local conditions have a higher likelihood of continued success. Programs with theories about how change will occur in the adolescent and take a broad view of this process consistently outperform approaches that attempt to change one aspect of an adolescent's thinking or situation with a vague notion that that will make things better.

Now pursuit of research like that outlined above will help refine policy and practice in the area by systematically addressing questions relevant to the mission and the everyday tasks of the juvenile justice system. A coherent strategy for research like this, however, requires a central body overseeing and promoting work that contributes to a balanced portfolio.

Empirical investigations in this area have to be viewed as legitimate activities in their own right, not simply as add-ons to well-meaning social service efforts, usually meant either to justify further funding or to scuttle future attempts at similar work. Too often research and evaluation in this area are seen as proving whether something works or

not in the short run and a search for a magic bullet with little regard for accumulating a systematic, progressively useful body of knowledge to inform practice.

In short, empirical work can be, but usually is not, used effectively in juvenile justice. This can be done, however, with some vision and patience. Expecting good science and pragmatic answers over time, much as we do with medical research, although we do it in medical research with about 10 times the amount of money than in the juvenile justice system. We do not and would not expect to generate knowledge about treating complicated medical disorders piecemeal or in a time frame that serves our immediate funding cycle. Yet we somehow think this can be done with the complicated processes underlying antisocial and violent behavior in adolescents.

The point here is simply that much can and should be expected of research and these expectations will only be met, however, if the agencies funding that research can operate as independent professional organizations, charged with developing a coherent, integrated set of studies aimed at answering questions about how adolescents develop and how the juvenile justice system affects them.

Taking this approach, there is great potential for research to provide empirical information to guide incremental changes in policy and practice. Without it, I am afraid we will keep following the newest fad and getting disappointed when it goes out of style.

Thank you.

WRITTEN TESTIMONY OF DR. EDWARD MULVEY, PSYCHIATRIST, LAW AND PSYCHIATRY RESEARCH, WESTERN PSYCHIATRIC INSTITUTE AND CLINIC, UNIVERSITY OF PITTSBURGH SCHOOL OF MEDICINE, PITTSBURGH, PENNSYLVANIA – SEE APPENDIX C

**Vice Chairman Tiberi**. Thank you, sir.

Mr. Witte?

## *STATEMENT OF MARK WITTE, DIRECTOR, JUVENILE JUSTICE PROGRAMS, WEDGWOOD YOUTH AND FAMILY SERVICES, GRAND RAPIDS, MICHIGAN*

**Mr. Witte**. Thank you, Mr. Chairman and other distinguished members of the subcommittee. My name is Mark Witte, and I am an associate director of professional services for Wedgwood Christian Youth and Family Services, located in Grand Rapids, Michigan, but with programs operated in the district of Representative Hoekstra.

Wedgwood is a private, nonprofit organization. We have services located in western Michigan, southeast Michigan, and the northern Lower Peninsula of Michigan, and we employ just over 500 part and full-time and on-call staff. We have several

comments about the bill and then I'll tell you a little bit more about Wedgwood as time permits.

We're in support of H.R. 1900 and its broad efforts to improve the asset-based approach to delinquency prevention. We applaud that effort. There are several provisions of the bill, however, that have concerns for us that are likely to be problematic if implemented as written.

The first issue has to do with the historical separation of housing for both adults and juveniles within the same institution. The previous bill maintained sight and sound separation, and the present bill moves towards a prohibition of physical contact and sustained oral communication. While the term “physical contact" is defined in the bill, the extent of oral communication that must transpire before it becomes sustained is not.

We believe it should be strengthened to preserve its previous guarantee that children and adults would not come in contact with one another, not physically, not visually, and not even through conversation. Our recommendation is to keep juvenile offenders away from adult criminals. Please resist any effort to poke holes in the wall that separates the young and the impressionable from serious criminals.

Issue number two involves the act's requirement that states comply with standards or face penalties of 25 percent on its allocation. In addition, the remaining funding right now is required to be spent on compliance activities. The proposed bill, as we understand it, seriously weakens that expectation by reducing the penalty by 1/2 to 12.5 percent, and eliminates entirely the requirement that remaining funds be spent on activities to bring a state into compliance. It is feared that relaxing these rules would seriously inhibit the movement toward a national standard of decency with respect to the intent of these provisions.

Furthermore, it's feared that the relaxation of the rules will slow the progress that's being made to make improvements in the discouraging reality that persons of color are disproportionately represented at all levels of the justice system. Our recommendation is to maintain pressure for states to meet JJDPA's present standards, keeping in place the provision that requires that once a state’s determined to be out of compliance, that the balance of their funds must be spent on compliance activities.

It's important to note that also the term “deinstitutionalization" can provide certain problems when interpreted in the field. An institutional setting for the purposes of JJDPA should refer exclusively to the placement of youth in a detention setting. This should not be confused with treatment-oriented, out-of-home placements that are made for the purpose of providing diagnostically appropriate care within agencies such as Wedgwood.

The third issue I'd like to highlight is that a vast array of resources needs to be at the disposal of every state and community and every juvenile court judge needs the empowerment to act in keeping with the needs of a youth, their family, and the community. Please increase the amount of flexible funds available for communities to use to provide effective, early intervention and treatment services.

It should also be noted that Wedgwood, along with many other faith-based organizations, are delighted to see increasing recognition of the legitimacy of governmental contracts with organizations such as us. We have been faith-based for the entire 41 years of our existence. One of the rightful concerns of those involved in the charitable choice, faith-based initiative debate is that including such providers might equate to being forced to accept lower standards and a hostile perspective toward governmental regulation.

I'm here today, Mr. Chairman, to assure you that there is a host of private and charitably minded organizations, which are faith-based, that have been providing quality services under contracts with governmental entities for many years. Faith-based does not mean that we value quality less. In fact, as you may have heard, our faith perspective is the foundation for our ability to strive toward excellence for the people we serve.

Our fourth recommendation involves a technical aspect about the inclusion of identifying child welfare, including protective services records, in court activities. Care needs to be exercised to prevent the inadvertent exposure of the identities of those individuals who may have reported abuse and neglect to state protective services agencies. They have done so under the reasonable assumption that their confidence could be maintained. Any reports so shared should be required to have the identities of non-relevant persons redacted.

I appreciate the opportunity to testify. Thank you.

WRITTEN TESTIMONY OF MARK WITTE, DIRECTOR, JUVENILE JUSTICE PROGRAMS, WEDGWOOD YOUTH AND FAMILY SERVICES, GRAND RAPIDS, MICHIGAN – SEE APPENDIX D

**Vice Chairman Tiberi**. Thank you, Mr. Witte.

Judge Bonfiglio?

## *STATEMENT OF THE HONORABLE DAVID C. BONFIGLIO, SUPERIOR COURT JUDGE, ELKHART, INDIANA*

**Judge Bonfiglio**. Thank you, Mr. Chairman, and thank you, Mr. Roemer, for the introduction.

For 15 1/2 years I heard every case in my county of neglect, abuse, and delinquency in the juvenile court. While my written testimony provides more details on the important role of the YMCA and other community-based organizations employed in serving at-risk youth, my comments this morning will focus on the role of the juvenile family court in preventing delinquency and intervening quickly and effectively in the lives of delinquent youth.

Most of the time the juvenile court must function like an emergency room in a hospital. That is, a horrible accident has occurred and the patient needs life-saving and very expensive services. To prevent such an accident saves the life and enormous human and financial cost.

In the juvenile court only the most serious cases come through the door. I have found that in many of these cases, the problems and delinquent behavior are the result of years of neglect and abuse. I firmly believe that to prevent youth delinquency we must prevent abuse and neglect of children. If children who are abused or neglected do not receive effective and comprehensive treatment, problem behavior will most assuredly result in the home, school and community.

Not surprisingly, another key factor is alcohol and drugs. It has been my personal experience that 80 to 90 percent of all the cases I have heard on the bench involve alcohol or other drugs in some manner. The most effective tool I have found in successfully fighting the most serious of these problems is the Drug Court Model. This model provides a high degree of accountability combined with intensive, developmentally appropriate treatment.

The relationship developed between the offender and the judge as a result of biweekly hearings is the key to success. It is truly amazing to see offender's personalities, social skills and educational abilities flourish as they progress in treatment. It is only when the community, as a whole, perceives that it has a joint stake with the juvenile system that juvenile delinquency prevention and successful interventions can be accomplished.

The majority of the prevention and intervention occurs at the hands of community organizations. In Elkhart alone, where I live, the YMCA, the Boys & Girls Club, Child Abuse Prevention Services, the Youth Service Bureau and Lifeline, to name but a few, all effectively keep hundreds of kids out of the system, the formal system, every year. But it is through collaboration between the juvenile court and these agencies that lead to that continuum of care for every child and family.

We have worked very hard to establish a culture of collaboration with agency directors and staff, civil and governmental leaders, and one of our best accomplishments has been the establishment of a process known as wrap-around. It works to both prevent and to intervene. Some of the successful elements of the wrap-around is building on family strengths, looking for the good and building on it, and developing a child and family team that includes family, friends and all of what we would call the natural support system of family and all the necessary prevention.

While wrap-around plans do, at times, cost money for home case managers and counselors in the home, it is far less than out of home and institutional placement. In our community, we went from a $3.7 million deficit, in 1997, in our residential care budget, to a $400,000 surplus in 18 months, using these concepts.

The juvenile and family court is an excellent place to make connections between children, families and services. When children or their parents enter the justice system, for any reason, there should be a short assessment to determine what benefits could be

provided to them through prevention and intervention and services within the community.

Finally, I am very grateful to have shared knowledge with me from other judges. It was through the National Council of Juvenile and Family Court Judges that I have received excellent training. I attended my first two week judicial college several months after having been appointed to my position as referee, and it was partially funded by the Office of the Juvenile Justice and Delinquency Prevention.

It was during this training that I first met Judge Grossmann. He is truly one of the pillars of juvenile justice in America and I feel humbled and privileged to be on the same panel with him.

If we are successful as a community and as a nation in controlling crime and improving all of our lives, it will be by addressing the needs of children in a thorough manner. Within the hearts and minds of children, including those that come through the doors of the juvenile court, are the gifts and talents to make them healthy, strong, happy, contributing members of society. I believe it is our responsibility and it's been my personal joy to assist children in finding those inner treasures.

Thank you for the opportunity to testify.

WRITTEN TESTIMONY OF THE HONORABLE DAVID C. BONFIGLIO, SUPERIOR COURT JUDGE, ELKHART, INDIANA – SEE APPENDIX E

**Vice Chairman Tiberi**. Thank you, Judge.

Mr. Herbst?

## *STATEMENT OF DOMINIC P. HERBST, PRESIDENT, BETHESDA FAMILY SERVICES, WEST MILTON, PENNSYLVANIA*

**Mr. Herbst**. Mr. Chairman and distinguished members of the committee, I want to thank you for the opportunity to testify before you this morning. I believe few would disagree that the issue of juvenile justice is of the highest priority during this hour of our country's history. I have submitted written testimony for your review, and, in as much as the time of sharing is brief, I hope that you do have a chance to read that testimony for validation of the points that I'll be setting forth.

In 1983, it was formula grant funds from OJJDP that funded the very first office of Bethesda Day Treatment Center in central Pennsylvania. Prior to that formula grant funding, one year allocations funded two other initiatives: one was family crisis intervention and one of the first alternative education programs in the state of Pennsylvania. Since that time, we now have 10 program centers throughout Pennsylvania, serving over 400 youth per day and contracted with 63 school districts in alternative education, all as a result of initiated funds, but not perpetuated by those funds from the Office of Juvenile Justice.

Bethesda was careful not to maintain a dependent relationship upon OJJDP. If they'd provide the seed money, we would leverage local or state funding that was needed to continue the programs indefinitely. That seed money, combined with technical assistance throughout these past few years, has allowed the Bethesda Model to, of course, be created and expanded throughout into eight states. What I would really like to focus on now is the Bethesda formula for success.

Point one is that programs in and of themselves do not change lives. They merely contain lives. In order to change a life, you must change a heart. Therefore, it is important for those at the highest office to discern whether or not a program offers snake oil or healing oil. Bethesda is not satisfied with simply containing the youth in a program for a given period of time. Our focus is to penetrate the hearts of the juvenile offenders and to help them heal the emotions from the anger that controls them.

Point two, the program, if it is to be effective, must adopt a policy of no suspension, no expulsion, unless, of course, the juvenile, because of a subsequent act, needs to be escalated in a disposition process. But the most aggressive juvenile offenders need to know that there is someone in their lives who refuses to give up.

Point three, the program must actively pursue after those youth who run away from and resist accountability. The Bethesda Program deploys search and recovery staffs that are trained to intensively penetrate the home, the school, the peer group and the community of the youth.

Point four is that the most successful programs have clear and effective strategies. My colleagues have already shared with this. And they are adopted by the agency, clearly set forth in writing, and thoroughly transmitted to all therapeutic and direct care staff. These strategies must be simple in method, yet profound in impact, and easily understood by the clients or the youth that we serve.

Point five; if a given program does not have the ability to diagnose the juvenile's problem or lacks the tools and the skills to intervene, this is a formula for disaster. The Bethesda Program has developed a two systems model, complete with blueprint manuals to provide the framework and strategy for application in all of its programs. These are not program descriptions. They are therapeutic strategies that unite the complete team of staff and equip them with the ability to create a safe environment for the juvenile offenders.

The Normative Model that Bethesda uses is a system of self-governing and a process of governing one another. What better way to prepare a juvenile offender for release in the mainstream society than to teach him or her the process of governance? But that's not sufficient. That creates safety and security within the environment. What is needed after that is the process of healing, inner healing of the emotions.

Bethesda teaches that pain concealed is pain unhealed. That is why we have adopted the strategic method of the Four Steps to Emotional Healing that take the clients and their families or some represented care-giver or historical figure, if parental rights have been terminated, on a journey of four steps to the place of victory over their behavior, restoration and healing within their hearts. So you see, it is not enough to

educate the minds of the troubled youth; we must also focus upon healing their hearts.

Very quickly, as I close, the Four Steps encapsulated in, first, the admission and grieving. Can you imagine in our facilities, when we have the safety established through the Governance Model, where we have require the kids to do an autobiography of their life of pain. They do a life story. If they're not able to read very well, we interview them. Then they share that in an individual session and pour it forth in a group session and their peers around them validate that pain, which brings cohesion. That's not sufficient, the admission and grieving begins to wash the anger out of their hearts. We teach that the rain of grieving will quench the fire of rage.

The second is the confrontation and disclosure. This is where they write the letters to those who have offended them. I have to close, and I understand that. So I'll close with this. It is a most powerful session to see a young person and a parent who has exchanged the letters with one another of accountability of how they have offended one another and to see reconciliation between those two people occurs before your very eyes. We actually have a mother and a son who had experienced that process with us from our Baltimore Day Treatment Center.

I appreciate the opportunity that you've given me.

WRITTEN TESTIMONY OF DOMINIC P. HERBST, PRESIDENT, BETHESDA FAMILY SERVICES, WEST MILTON, PENNSYLVANIA – SEE APPENDIX F

**Vice Chairman Tiberi**. Thank you, Mr. Herbst. You have two guests you'd like to introduce and recognize for the committee?

**Mr. Herbst**. Yes, I would. In the second row we have Joseph Smith.

Joseph, would you stand? And we have next to him, Robert Coleman. Would you stand, Robert? And Robert's mother, Mary Grimm.

**Vice Chairman Tiberi**. Thank you all for coming. Thank you very much.

I'd like to recognize the chairman of this subcommittee, from Michigan, Mr. Hoekstra.

## *OPENING STATEMENT OF CHAIRMAN PETER HOEKSTRA, SUBCOMMITTEE ON SELECT EDUCATION, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES*

**Chairman Hoekstra**. Thank you. Mr. Tiberi, thank you for sitting in. I was working on another issue that Mr. Scott and I both have a passion for. It's disappointing we're passionate on opposite sides of the issue.

**Chairman Hoekstra**. But I was giving testimony to another committee on prison industries. But I'd just like to congratulate Mr. Scott and Mr. Greenwood on the work of this bill, and I'm sure that Mr. Roemer and I are going to be in dialogue over the next week. We want to get this bill out of subcommittee and we want to get it to the floor, or to the full committee and to the floor, as quickly as possible. So, in this Congress, we may see it move, not only through the House, but also through the Senate, and move it through the White House. I'm also hoping that by providing that kind of support to Mr. Scott, he'll be much more supportive of my suggestions in the other areas that we're working on.

But the other thing is, Mr. Witte, thank you for being here. Jim and I have already been talking specifically about some of the recommendations that you have, that you've made in your testimony. He's a little nervous that we're bringing all these liberals from western Michigan here, who might end up moving his legislation a little bit more to the left. But that's something that consistently we're trying to do with Jim, is just move him a little bit more over to the mainstream from the far right. We look forward to doing that one more time. We'll take Mr. Scott along with us as we do that.

Jim has given me a little bit of a rationale as to why these specific provisions are in here, from a states' rights issue, also from a rural population area. I think specifically the first recommendation that you made about the separation was one that Jim believes was put in to recognize in more rural areas would be provided some of the flexibility that they believe they need but couldn't meet the strict standard. I don't know if you've thought about that or whether you would have a response to that?

WRITTEN OPENING STATEMENT OF CHAIRMAN PETER HOEKSTRA, SUBCOMMITTEE ON SELECT EDUCATION, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES – SEE APPENDIX G

**Mr. Witte**. Well, thank you.

My comment is that, wherever possible, that limitation should exist. I understand there will be situations in which you're going to have to, just by means of practicality, blur the distinction and allow for the mixture of populations. But, wherever possible, it would be our hope that you would maintain the expectation that that contact be eliminated, if at all possible, that sight and sound separation is a good principle. Allow exceptions where it must occur, but maintain that would be our request.

**Chairman Hoekstra**. Okay. So we will take each one of those four and we'll be in contact with you. We'll be in contact with Mr. Greenwood and Mr. Scott, because my guess is that the objective that you have, that you all have, you share the same common objective in this, maybe it's just a matter of clarifying it and perhaps closing some of those loopholes that maybe you perceive that are there that the authors maybe don't see that are there, that we can all feel comfortable and move it. So thank you very much for those suggestions.

And, with that, I'll yield back my time. Thank you.

**Vice Chairman Tiberi**. Thank you, Mr. Hoekstra.

Mr. Roemer.

**Mr. Roemer**. Thank you, Mr. Chairman. Can I have your time, Mr. Hoekstra? You have another three minutes left. I've never seen you finish this early before.

**Chairman Hoekstra**. It's all in the new spirit of bipartisanship. That's right.

**Mr. Roemer**. I can't wait to see it on the floor.

All right. Judge, thank you. Judge, thank you for your, all of you, thank you for your great testimony. I'm very appreciative of the insight that you delivered here today, but mostly for your good work on a daily basis in a very, very important area for all of us.

I'd like to get to, Judge, your comments about how you've moved lately to a family court model and why that's so important. Can you be a little bit more expansive on what you said in your prepared testimony?

**Judge Bonfiglio**. Sure. It's my hope that we will establish a family court in our county. The state of Indiana is currently in the process of this; we have three pilot projects going on in Indiana under the auspice of our Indiana Supreme Court. Those projects are under review right now. I participated in a panel, several months ago, evaluating or participating in evaluating those programs.

There are several different models to make family court. The unified family court is certainly the one judge; one family model that I think has a very lot of strength to it. Indiana is also looking at the case coordination system where maybe a dissolution of marriage is in one court and a delinquency or a CHMS case, child maintenance services case is in another court, but then having a manager, someone that could make the connections so there is an overall coordination of what happens.

Those, I think, are extremely important issues. My experience on the juvenile court bench, hearing the delinquency and the abuse and the neglect every day, what I've seen was children had come to the attention of the system, through a domestic relations case or through an adoption or through a guardianship. The children, in fact, had warning signs back six to eight years ago when they first came into the system, but we didn't have the resources, we didn't have the ability to target, yes, there is a problem here and here are some resources in the community we can hook them up with. Then that problem just continued to get worse. Then it exploded sometime, maybe in school or in the community. Then I got them in the juvenile court.

The concept is that we look at those issues. Any time a child has contact with the system, we try to determine what their needs might be, and we can do interventions when children are young. I think this has been mentioned here today, that the earlier the intervention, the better we all are, the better for the child, the better for the community, to effectively intervene early on. The Family Court Model gives us the possibility of doing that. Then to have, in the community, available those resources, those family supporters, those strength-based resources to immediately connect families up, so that you don't have

a wall of resistance.

So many times I would spend a good part of my time in juvenile court first having to break down the wall of resistance that there's a problem or that the system is interfering in their lives. So if you take the approach very early on with a child and a family, the intervention, I think, is much easier, at least easier to get agreement to work with services, and to do it in the least threatening way. The strength-based approach, I think is very strong. That would be something that I would link very closely to a family court, is a strength-based family approach to all the issues and problems that come before the court.

**Mr. Roemer**. Well, I look forward to working with you in the state of Indiana on trying to see that we have the opportunity to get more of the family-based courts.

Dr. Mulvey, let me ask you a question. I have a boot camp in LaPorte, Indiana, and many citizens in Elkhart County, the Judge's home county, have asked me to try to help get them resources for a boot camp in Elkhart County.

Can you tell me about what research tells us is the efficacy of these boot camps? Are they effective? Do they provide, then, follow-up or a tether, an umbilical cord to these children once they go back into difficult circumstances in their hometowns or their home schools?

**Mr. Mulvey**. The data I'm aware of on boot camps, and there may be more recent studies, I won't tout myself as an expert on all the boot camp research, but what I've seen of it is fairly unimpressive results from boot camps.

**Mr. Roemer**. Unimpressive or_

**Mr. Mulvey**. Unimpressive results.

Part of the issue is sorting out the effect of which kids stay in the camp versus which kids drop out. It ends up oftentimes being a selective population to complete the program. It's oftentimes hard to assess, because there's a process that gets kids kicked out of these programs. So some of the ones that finish and you will hear low recidivism rates, those rates have to be adjusted for the 20 or 30 percent of the kids that never finished the program and ended up in the regular state facility as a result.

The problem is, again, what I would emphasize is the importance of tying any single approach like that to supportive services in the community. Someone can change an attitude for a while, but if you go back to the same streets with the same opportunities, without much to follow it up, you might have a great attitude when you walk out of a boot camp, but three weeks later it doesn't seem to have much relevance to your life. So having some continuity of those services is probably a key, and having it as a component might not be a bad idea. But my personal read of this stuff is that the fascination with boot camps as a way to whip kids into shape and solve the problem through getting in their faces, I don't see any evidence that that's the case.

**Mr. Roemer**. All right. That's helpful.

Judge Grossmann, I'm looking up in my 1999 National Report on the Juvenile Offenders and Victims, and on page 117, there's a table that shows the juvenile arrest trends in the states may differ from national trends, and the percentage change from 1993 to 1997, from one state to another, can vary from 2 points to 100 points. Hawaii has seen a 59 percent increase change. Minnesota has had a 45 percent decrease. What can we learn from that? What can we learn from these state models, if anything?

**Judge Grossman**n. Mr. Chairman, Mr. Roemer, first of all, a juvenile is not defined in the same fashion in every state, as you well know.

**Mr. Roemer**. So that's the whole distinction?

**Judge Grossman**n. In New York, after your 16th birthday, you're an adult. You hit the adult criminal judicial system. In Ohio, you are an adult at 18, as prevails in most of the states. But 12 states have different ages than the standard 18. So that's part of the picture. And then the question of resources: most of the delinquency issues come out of big cities. If you took out the statistics in a number of the big cities things would level out pretty well. The resources available to the court and how well the court is individually organized is what I was trying to explicate in my comments. It is so essential for courts to understand best practices and proceed accordingly.

Your question reminds me of the perennial question I used to get when I sat on the bench, when the newspaper reporter would come in and say, Judge, we've seen an increase or a decrease. Can you tell us what happened and why? I learned long ago you better be careful because if you claim the credit, you're liable to have to eat the problem later when it goes the other way.

So I don't have any crystal ball, but I do know, as the doctor said, there are a series of things that we know do work. When they're applied consistently with proper support under the auspices and under the accountability that can be furnished by courts, it changes things.

I would like to submit to the committee these two resource guidelines that I mentioned in my remarks, just so you see what has been done in this area so far, particularly in abuse, neglect, and adoption, and why I think it's so important to have it done in delinquency.

**Mr. Roemer**. Thank you, Judge.

**Mr. Regier**, I'm going to come back to you. Just in a minute. I want to recognize Mr. Scott for the purpose of asking a question.

**Mr. Scott**. Thank you very much, Mr. Chairman, and I want to thank Mr. Hoekstra and Mr. Roemer and Mr. Greenwood for cooperating on putting the bill together. It's an example of what can happen when we work together cooperatively in a bipartisan fashion. I've worked with the chairman on this bill, on this testing initiative, and a number of other initiatives, trade with China. We will respectfully disagree on some

other things, but I think this bill shows what can be done.

I had a couple of questions. Dr. Mulvey, you indicated that you could identify children that are at risk. Can you identify them before they've gotten in trouble so we know where to aim our focus in preventing kids from getting in trouble in the first place?

**Mr. Mulvey**. I think there are different risk signs at different ages, and putting programs into effect that will keep the kids from being in the next high risk group. I believe they can be identified early on. As many people had mentioned, the early prevention work with families, supports and strength-based approaches to families is critical.

**Mr. Scott**. Wait a minute. On that point, do you have any evidence that it actually works?

**Mr. Mulvey**. I believe there's evidence. I can give you a few articles on outcomes, positive outcomes from those programs.

The next time that's probably best to identify kids is age 8 to 10 to 12, when kids are aggressive. It's common sense. Most people know. If the teacher knows the kid has a problem and the parents know the kid has a problem and everybody in the neighborhood knows the kid has a problem, the kid probably has a problem. So kids that are aggressive in multiple settings, there are approaches to work with those sorts of kids reasonably successfully. I had mentioned to you on another occasion the idea of then finding influential adults and kids in mid-adolescence appears to have some positive effects.

So there are different things for risk markers at each age, and I believe there are things out there that can point toward effective programs at different ages.

**Mr. Scott**. Thank you.

Mr. Herbst, you indicated that you had a no suspension, no expulsion policy.

**Mr. Herbst**. Yes.

**Mr. Scott**. Why shouldn't you kick a kid out of school? I mean, why isn't that a good idea in the long run?

**Mr. Herbst**. Well, if we're talking about public school, we understand that, in many cases, public schools are not equipped to deal with the children that are causing distress. However, when they're referred into our model, we feel that we're the last stop.

**Mr. Scott**. Is it therefore your suggestion that if a child has to be removed from the regular classroom that you ought to provide an alternative education to continue their education, otherwise, you're just waiting for more trouble to happen in the future?

**Mr. Herbst**. Absolutely. Yes, sir.

**Mr. Scott**. Is there any justification? I mean have you seen any studies that show any good things happening as a result of a policy that kicks kids out of school with no services?

**Mr. Herbst**. No, sir, particularly with regard to zero tolerance. All that does is present the problems that are exhibited by that child; presents them to the community and the juvenile court system.

**Mr. Scott**. And when they come back to the school, they present them even worse than when they left; is that right?

**Mr. Herbst**. That's precise.

**Mr. Scott**. And so anybody that would promote a strategy that kicks kids out of school, particularly disabled children out of school, with no services, that wouldn't be a good thing to do, would it?

**Mr. Herbst**. No, sir, it would not.

**Mr. Scott**. I didn't think so.

**Mr. Scott**. Secretary Regier, is that how you pronounce his name?

**Mr. Regier**. Regier.

**Mr. Scott**. Regier. You indicated you had the Weed & Seed program?

**Mr. Regier**. Yes.

**Mr. Scott**. What are the seed programs and how do they work, and are they effective?

**Mr. Regier**. Well, what I indicated in my testimony was that I had been involved at the Department of Justice in the development of the Weed & Seed program and then that evolved into the comprehensive strategy at OJJDP. So it's a combination. My point was that even in juvenile, you have to have a combination of suppression, i.e., controlling very violent offenders, and then seeding the community.

We have done that, actually, a couple of ways. One of the things that I had talked about was partnerships that we have with Higher Ed, which has assisted us with some of our group homes. We have a partnership with the Associated General Contractors, where we do skills centers in the communities. Then we have a partnership with the military to do the follow-up accountability.

**Mr. Scott**. And those programs, do you have results that we could look at, that you could provide to us?

**Mr. Regier**. There's a chart that you should have in your material in front of you there, that I talked about before you joined us, and that is related to particularly the recidivism rates. Whenever we follow up with follow-up accountability, the recidivism rates in our

state have gone down below 5 percent.

**Mr. Scott**. Thank you.

**Vice Chairman Tiberi**. The gentleman's time has expired.

**Mr. Scott**. Mr. Chairman? Mr. Chairman?

**Vice Chairman Tiberi**. Mr. Greenwood.

**Mr. Scott**. Mr. Chairman?

**Vice Chairman Tiberi**. The gentleman's time has expired.

**Mr. Scott**. Could I just make a comment that some of the things that have been said today deal with the overlap between this committee's jurisdiction and the Judiciary Committee's jurisdiction. A lot of the things that we're considering are actually under the jurisdiction of the Judiciary Committee. And that bill, which is somewhere between the committee and the floor now, deals with children after they've gotten their problems and after they've seen a judge.

Thank you very much, Mr. Chairman.

**Vice Chairman Tiberi**. Mr. Greenwood?

**Mr. Greenwood**. Thank you. I thank each of you for being here, and I also want to thank each of you for dedicating your lives to working with kids who need your help. And my congratulations, also, to the young men and to the young mother who's with us today, as well.

My question is very specific. We plan to move this bill, as you've heard, to the floor. We'll have a subcommittee mark-up, probably next week, a full committee mark-up, and then to the floor. What we need to know is, each of you has spoken eloquently and generally about your work with young people. Can you tell us specifically, for each of you; is there a specific change or series of changes that you think is important for us to make in this bill before it's signed into law? And we'll just go down from Mr. Regier.

**Mr. Regier**. The two quick things that I would mention would be the one related to ensuring that the concept of community intervention centers, which we primarily use in a rural state to take early offenders and first time offenders, that that does not come under the same six hour rule and that there's adequate time. I believe it falls primarily under 24 hours.

**Mr. Greenwood**. Is it your sense that this bill is unclear on that or is it clear that it prevents you from doing that?

**Mr. Regier**. Well, I think it's unclear whether a CIC, as we call them, and other states, I think, also have that. A CIC will take a kid, and it's usually in a large room kind of place, and part of the question that we've run into is, can you keep the outside door locked, even

though it's not.

**Mr. Greenwood**. Does this apply to status offenders as well?

**Mr. Regier**. Yes.

**Mr. Greenwood**. Okay. All right.

**Mr. Regier**. And that's something that I think is somewhat unclear.

**Mr. Greenwood**. You need us to grapple with that issue and clarify the bill?

**Mr. Regier**. And the second thing I had mentioned, and that is, in the same way that there are prevention services that are talked about, leading up, kind of coming up from the front end, when I talk about follow-up accountability, that's the other side, the other bookend of this, and the bill doesn't seem to talk that much about the follow-up. Perhaps the judiciary bill does and I'm not aware of it.

**Mr. Greenwood**. Do you believe that the current law does or does not allow you to lock that door in the CIC?

**Mr. Regier**. I believe it does not allow you to lock it.

**Mr. Greenwood**. Current law?

**Mr. Regier**. Current law.

**Mr. Greenwood**. Okay. Judge Grossmann, do you have any specific recommendations that you think are important for us to change in H.R. 1900?

**Judge Grossman**n. Mr. Chairman and Mr. Greenwood, yes, I do. You will note in the drafts of the bill that I've seen, there is specific mention to the model juvenile and family courts and their enterprises, and as I tried to explicate in my remarks, I believe this has been a very successful project. It needs to have a funding stream. It needs to have an authorization with some specific funding to move to that, and for the development, as I mentioned, of the resource guidelines and delinquency. That would become a guideline for all the courts across the country, and is accomplished with the cooperation of people such as the witnesses you've heard here to develop those guidelines. This is not simply a one shot by a judge. This is a case of a large group of people working on it.

**Mr. Greenwood**. Only because time is short.

**Judge Grossmann.** Yes.

**Mr. Greenwood**. My understanding is that this is now an allowable use, that the states may use this money, but you would like a specific funding stream for that program so that essentially states would be leveraged to follow that model?

**Judge Grossman**n. Correct.

**Mr. Greenwood**. Okay. Dr. Mulvey?

**Mr. Mulvey**. I don't have a lot on the specifics of the bill. My only concern in reading it has to do with the maintenance of an independent research function somewhere, as juvenile justice research can easily get subsumed under a larger research agenda, concerned with adult research.

**Mr. Greenwood**. Okay.

**Mr. Mulvey**. Kids oftentimes get the short end of every hand and research is no exception. Having a larger discretionary research budget to put a coherent research program together and leave it independent of the political process, to me, is critical. National Institute of Justice and OJJDP, over the years, have made great strides in maintaining that independence. I think they still have a ways to go and, unfortunately, that research agenda oftentimes gets subsumed and definitely to the political agenda and the kids get left at the bottom. So I'm don't know exactly the best way to structure that, but I do have concerns about it.

**Mr. Greenwood**. It's an excellent point, and it's one we'll take a look at. I'm just trying to honor the time and the situation here.

Mr. Witte, you made four specific recommendations. Do you want to just emphasize anything about them right now?

**Mr. Witte**. Just two points I would like to make. Number one is I appreciate the balance that's being struck between the prevention, treatment and accountability activities, and I think that needs to be continually kept before us- options, no silver bullets, no magic solutions, a variety needs to be available.

Secondly, treatment needs to be available in a wide variety of settings, and where those options exist, there should be no barrier in terms of federal statute prohibiting the use of treatment funds in open, secure community-based settings.

**Judge Bonfiglio**. I would echo Judge Grossmann's comments. The resource guidelines are really essential for judges and courts. We have basically taken that in our small community and implemented those guidelines, and judges can really bring people to the table to move prevention and justice issues ahead.

**Mr. Greenwood**. Okay. We'll take a look at that finding.

**Mr. Herbst**. Mr. Greenwood, I want to commend you and the other sponsors of the bill. I think it's quite a masterpiece in terms of offering the encouragement of many initiatives to continue what we've already done, but also into the next decade. The only suggestion that I do have is that, in my view, that OJJDP's greatest accomplishment has been in integrating their research, program development, evaluation, training, and technical assistance, and I do fear, and I believe I'm joined with a number of colleagues, that to take the research portion from OJJDP, when they have mastered that so well, might set us

back. That's my only suggestion.

**Mr. Greenwood**. I think calling the bill a masterpiece is a good place to adjourn the meeting.

**Vice Chairman Tiberi**. Mr. Greenwood, we've got one minute to vote. I wish to thank the witnesses and the members for their testimony. If you would like to work additionally with Mr. Greenwood, please do so.

If there's no further business, the subcommittee stands adjourned.

[Whereupon, at 11:55 a.m., the subcommittee was adjourned.]

***APPENDIX A -- WRITTEN TESTIMONY OF THE HONORABLE JERRY REGIER, CABINET SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES, OKLAHOMA CITY, OKLAHOMA***

# United States House of Representatives

## Subcommittee on Select Education

**Hearing on**

**"The Juvenile Crime Control and Delinquency Prevention Act of 2001"**
**(H.R. 1900)**

**Testimony of**

**Jerry Regier**

**Cabinet Secretary for Health & Human Services**
**State of Oklahoma**

June 6, 2001

## Opening Remarks

I am honored by your invitation to appear before you today to consider the reauthorization of juvenile justice through the Juvenile Crime Control and Delinquency Prevention Act of 2001.

As brief background, I am Cabinet Secretary for Health & Human Services for Governor Frank Keating of the State of Oklahoma. As Cabinet Secretary I oversee 12 state agencies and over 70 boards and commissions. One of the state agencies in the Cabinet is the Oklahoma Office of Juvenile Affairs, the agency tasked with overseeing the juvenile justice system for the state.

Over the past 21 years, I have been involved in public policy development and administration in the health and human services as well as justice. This included a period of time as the Administrator of OJJDP. I returned from Washington to Oklahoma in 1995 to provide direction for the newly created state agency, the Office of Juvenile Affairs. I served at that agency for 5 years, developing and reforming the state's juvenile justice system.

As you know, the Juvenile Justice and Delinquency Prevention Act was enacted in 1974, and amended several times since then. Much has changed in the world of juvenile justice since 1974, but the major mandates of the Act have remained virtually unchanged for the past 27 years. I am happy to see that the new proposed reauthorization bill before us today provides needed changes to the Act in order to bring the purpose of this office more in line with the type of offender that we are dealing with in the new millennium.

## Experience as Administrator of OJJDP

I was appointed Acting Administrator of OJJDP in the spring of 1992. Several months later the President nominated me to be the permanent Administrator; however, due to the election that fall, the confirmation process was never completed.

During my tenure at OJJDP, I saw firsthand the issues that states were grappling with including adherence to the four mandates of the law as well as the increase in violent juvenile offenders. It was a critical time and of utmost importance that we find a way to deal with the increasing violence of offenders. It was also imperative that we do so in a manner that would provide tough accountability sanctions while at the same time provide necessary education and community services to increase chances for success. We had to develop more community involvement so as to prevent juveniles from continuing their penetration into the system to ever-increasing violent acts. It was this desire and vision that led to the creation of a Youth component of Weed & Seed.

I had played a policy role for Attorney General Barr in designing and developing the Weed & Seed program during my 3 years directing the Bureau of Justice Assistance. Now I wanted to bring those same principles...principles of tougher enforcement (weeding) while at the same time providing the means to change the environment (seeding) that continued to spawn and allow criminals to thrive...to bring those same principles to the national juvenile justice system.

The key component in this strategy was graduated sanctions, and the result was the development of the conceptual Youth component of Weed & Seed. It is this strategy that I took with me to the state level when I moved back to my home state of Oklahoma to lead the juvenile justice effort in 1995.

After I left the Department of Justice (OJJDP) in early 1993, this strategy was refined and published under the title of Comprehensive Strategy for Serious Violent and Chronic Juvenile Offenders. This strategy was built around the concept of accountability at all levels of the system with special emphasis on graduated sanctions which would bring consistent and certain sanctions to juveniles at all levels of their offense, starting with their first offense.

The Principles of this strategy are:

1. Strengthen families
2. Support and involve community institutions
3. Promote prevention
4. Intervene with delinquency immediately
5. Establish graduated functions
6. Control serious, violent offenders

In my opinion, this strategy has been the hallmark of the OJJDP over the past years during the tenure of my successor, Shay Bilchik, as he implemented much of this Comprehensive Strategy. And it is the foundation of what we have done at the state level in Oklahoma.

## Experience as State Juvenile Justice Director

The renewal of the juvenile justice system in Oklahoma over the past 6 years has been nothing short of phenomenal. It has been a tremendous privilege to work with the staff of this agency

to implement in a "state laboratory" the principles that I have previously talked about. This vision of renewal was articulated in my 1999 Annual Report for the Oklahoma Office of Juvenile Affairs:

> Oklahoma is no stranger to hardship and hard work. The pioneer spirit is what built Oklahoma from the beginning of the state in 1907. When the bombing tragedy of 1996 occurred, it was that same spirit which exhibited resiliency, caring, and faith in dealing with our loss and grief. That hideous tragedy could have been averted.
>
> On May 3, 1999, we experienced the devastation and havoc wreaked by a violent tornado, which cut a wide swath of destruction for some 90 miles. Many lives were affected and many homes and personal memories were destroyed. This was tragedy of a different sort in that it could not have been averted. It is a part of living in this state and in this part of the country.
>
> There is another kind of tragedy and devastation going on around us every day. It is a havoc of the kind that can be averted. It is the waste of life when young people get involved in juvenile delinquency and crime. It is the wasted potential of youth who make bad choices, which lead them down a path of deceit, delinquency and destruction. It is the realization that youth all around us are not being held accountable for their actions, are not being provided structure and correction by their parents, and are therefore on a superhighway to being a drain on our society and our state, rather than a productive part of building their own lives and the "New Oklahoma."

Oklahomans involved in the juvenile justice system have developed an approach to stop this devastation and turn these lives around. This plan includes consequences and accountability, but also affirmation and hope. It is a plan to bring Renewal and Regeneration to the youth of Oklahoma, as well as safety and security to cities and neighborhoods. It is what we call the "*Promise Approach*".

In this new "Promise Approach" we speak of "Youth at Promise" rather than "Youth at Risk". We do not buy into the old view of juvenile justice, which is a medical model looking at the youth as a patient, a victim, a person that is sick and needs treatment. Rather, we believe the youth is responsible for his actions and that behavior can be changed.

In this approach we tell the youth that there are certain and swift consequences for delinquent and criminal behavior. We will not tolerate his antisocial actions. We will not tolerate his disrespect and self-centeredness. He is responsible for his behavior and must change.

We believe that the majority of offenders desire to change, but are held prisoners by their own anger, lack of parental guidance, lack of discipline, and hopelessness to change. We believe that the system must take a parental role and work with the offender and his parents (if they are there) to identify root issues leading him down a path of destruction. It is because we believe in the promise of his future that we teach him to take responsibility for behavior and actions.

Promise means there is possibility. Promise means there is potential. However, this potential and possibility is presently unrealized. It is in the future. Therefore, the *Promise Approach*

incorporates a FutureFocus in order to help our troubled kids think about and prepare for their future. They can fulfill their promise.

Promise means future fulfillment...and promise only becomes a reality within a FutureFocus mindset. The *Promise Approach* to juvenile justice is built around a FutureFocus Model.

The *Promise Approach* relies on tough love consequences and accountability balanced with real guidance and answers leading to renewal and regeneration. Acceptance and affirmation come as the youth realize and experience that true love for them is a provision of structure, discipline, and accountability that they missed out on from their parents and, particularly, from their dad. This understanding brings hope and motivation to really change.

Once the youth understands his own worth, he is then given the tools for changing his behavior, with the first tool being to resolve his anger and his victimhood by forgiving whomever he is angry at or blames for his station in life. This frees the youth from the bondage of anger and resentment and allows him to begin the journey to renewal built upon a new view of himself, and this new view is a future focus view.

As the youth leaves his placement and returns to the community, the *Promise Approach* speaks of "accountability follow-up," which emphasizes that he has the power to make choices for his own benefit. It does not speak of "after care," which indicates a release from medical treatment that one oversees. As a result, we develop youth who are empowered to change their behavior if they choose to follow the rules laid down, which is the same process by which all of us become

successful in society at large. Within the FutureFocus Model, the *Promise Approach* holds the youth accountable by forcing him to face the past; while, at the same time, we affirm the youth through renewal in his own life to forge the future.

## The "Promise Approach": *A FutureFocus Model*

Protection

Risk assessment for appropriate placement

Sufficient secure beds for public safety

STARS for monitoring and sanctions

Accountability

Bethesda program for resolving root issues

Boot Camps to rebuild foundational discipline and self-esteem

Graduated sanctions for certain and immediate Consequences

STARS for consistent progress in the Renewal process

Prevention

Parental responsibility

Community based system of Youth Services

Wall of Protection so that they are free to fulfill their Promise

- Character development
- Accountability for my actions
- Alcohol & Drug free lifestyle
- Literacy as the building block of education

- Skills to be a producer in society

Promise

Bethesda program for building hope in the future

Skills centers to develop skills for productivity

High school graduation or G.E.D.

Higher Education exposure to dream and hope

Military for potential career

## Results of the "Promise Approach" instituted in Oklahoma

While there have been many successes associated with the *Promise Approach*, the most dramatic demonstration of success can be seen through the results of the State Transition and Reintegration Services (STARS) program.

- STARS began through an OJA administrative initiative as a pilot to reduce recidivism and increase accountability of youth exiting custody placements. Tracking and mentoring services are mandated by 10 O.S. § 7302-5.1.
- The purpose of the program is to reduce the number of juveniles re-referred, increase the number of community service hourse provided by custody youth, and provide immediate sanctions to ensure compliance.
- Eleven sites provide staff providing tracking, mentoring, and three levels of sanctions.
- The primary target population is all OJA custody youth assessed at medium to high risk. The secondary population includes low risk custody youth and youth

on probation.

- Services are provided through a cost reimbursable contract with the Oklahoma Military Department.
- FY2001 budgeted expenditure is $4,157,608. The daily cost per juvenile is $12.15.

(See attached charts for Referral and Recidivism Rates resulting from this program.)

## Lessons Learned

- Accountability is the key to lowering recidivism rates (this is confirmed by OJJDP recently reporting that "the longer the duration of intervention, the greater the reduction in recidivism").

  - Waiving violent juvenile offenders to the adult system is absolutely necessary in order to hold juveniles accountable for their senseless and violent acts. It is these offenders who refuse to change and are determined to proceed down a criminal pathway. They must be controlled so that the juvenile who is amenable to treatment change will have the opportunity to do so.

  - Accountability in the programs that delinquents are required to complete whether in group homes, boot camps, or secure confinement. Consequences and sanctions at every level are critical to successful outcomes.

- Accountability follow-up program in Oklahoma has reduced recidivism rates from roughly 50% down to 20%, and for STARS participants down to 3.8% (see attached charts).

- Programs at all levels must reach root causes to make a difference.
  - Our experience with the Bethesda Program has been outstanding. It has provided a new understanding to staff so they can get to root cause help the offender resolve it. It then has the power to release the youth to move on to the promise of his future.

- Statistics on arrests do not tell the whole story. The statistics nationally and in Oklahoma show a decline in arrests. However, many law enforcement officers indicate that as serious and violent offenses have increased, the early offender is not even arrested or processed.

**Recommendations to the Subcommittee Members**

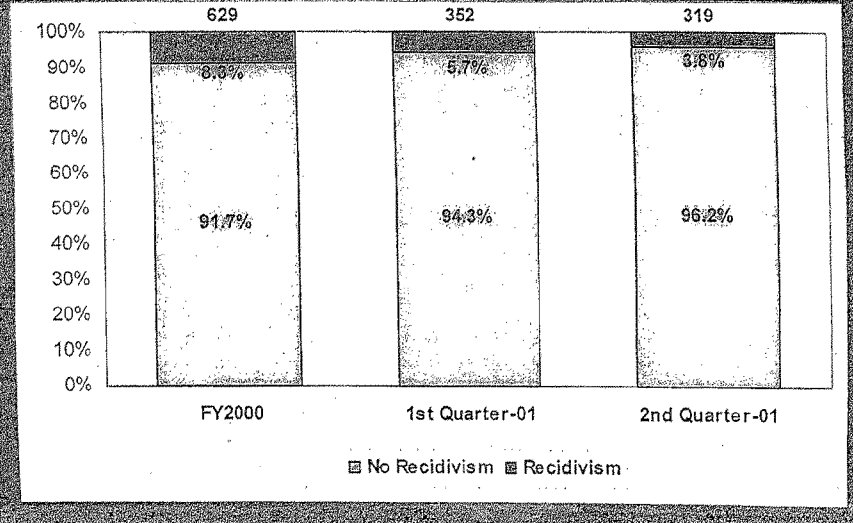
- Ensure that the first mandate (de-institutionalization of status of offenders) allows for Community Intervention Centers to be differentiated between detention facilities insofar as allowing a status offender to be held in a Community Intervention Center with locked doors for longer than six hours.

- Ensure that funding is provided to states developing integrated data base systems.

- Ensure that the office emphasizes accountability and control first and prevention second.

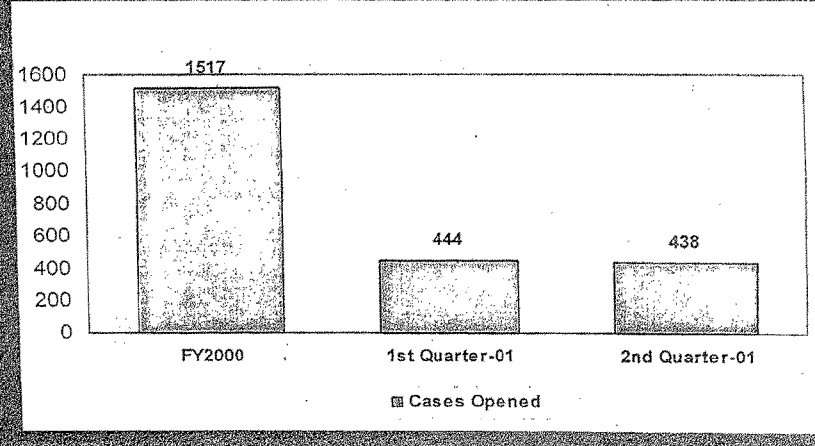
- Continue to emphasize best practices and information sharing.

# State Transition and Reintegration Services (STARS) Recidivism




*Data was received from the Oklahoma Military Department and merged with data from JOLTS.*

# State Transition and Reintegration Services (STARS) Referrals




*Data for the STARS program was derived from reports submitted by Oklahoma Military Department.*

## *APPENDIX B -- WRITTEN TESTIMONY OF THE HONORABLE DAVID GROSSMANN, JUDGE, COURT OF COMMON PLEAS, HAMILTON COUNTY, OHIO*

**NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES**
**The Honorable David E. Grossmann**
**Presiding Administrative Judge, Hamilton County Juvenile Court, Cincinnati, Ohio (Retired)**
**Chairman, Adoption Committee, National Council of Juvenile and Family Court Judges**

# TESTIMONY

**Subcommittee on Select Education**

## UNITED STATES HOUSE OF REPRESENTATIVES

**June 6, 2001**

## PROPOSED REAUTHORIZATION OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION UNITED STATES DEPARTMENT OF JUSTICE

Mr. Chairman and members of the Subcommittee on Select Education, thank you for this opportunity to testify before you here today. I am David E. Grossmann, Retired Presiding Administrative Judge of the Hamilton County Juvenile Court in Cincinnati, Ohio. I am here on behalf of the National Council of Juvenile and Family Court Judges, where in 1995-1996, I served as President. I currently serve as Chairman of the National Council's Adoption Committee and have chaired numerous committees of the National Council in past years. Honorary Chair for the National Council's Adoption Committee is former United States President Gerald R. Ford.

We at the National Council of Juvenile and Family Court Judges (NCJFCJ) are pleased to have the opportunity to comment on the proposed reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974 and continuation of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U. S. Department of Justice, and we appreciate the Subcommittee's attention to this important task. The National Council of Juvenile and Family Court Judges supports the reauthorization of the JJDPA and the continuation of the OJJDP. If the Act is

reauthorized, the NCJFCJ believes that the research and statistical functions currently performed by OJJDP should continue in their present form and not be transferred to other federal agencies.

**The National Council of Juvenile and Family Court Judges**

Established in 1937, the National Council of Juvenile and Family Court Judges is the nation's oldest judicial membership organization. Headquartered in Reno, Nevada, the National Council is a private non-profit 501(c)3 organization focused on improving practice in juvenile and family courts across this nation. Our mission is to provide training and technical assistance to court systems, and to contribute to the development of national policy, standards, and procedures regarding children and families.

Various divisions of the organization focus on specific areas of practice including: child abuse and neglect, juvenile justice, alcohol and substance abuse, family violence, and other critical substance areas. Our research division, the National Center for Juvenile Justice, which is located in Pittsburgh Pennsylvania, is recognized as a national leader in providing research and technical assistance in or for juvenile justice issues. Much of the work of the National Council is supported by Federal grants; OJJDP funds the majority of the work conducted by the National Council.

**The Need for the Office of Juvenile Justice and Delinquency Prevention**

The National Council of Juvenile and Family Court Judges has had a lengthy and mutually supportive relationship with the Office of Juvenile Justice and Delinquency Prevention. The National Council's's major function is to provide training, education and technical assistance to

judges, court professionals, and individuals who provide services or treatment of juveniles under court jurisdiction. Federal grants to the NCJFCJ have helped to produce written work and research to meet these goals. Annual research and reports on juvenile offenders and victims, the *Desktop Guide to Good Probation Practice,* which is distributed to every juvenile probation officer in the United States; and the *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases* serve as examples of this work, which are pivotal to good and improved practice.

The National Council believes that the federal recognition of the uniqueness of juvenile courts and juvenile offenders should continue. The National Council urges this Subcommittee, as it considers reauthorization of the Office of Juvenile Justice and Delinquency Prevention, to recognize that:

1. The juvenile justice system is unique, and requires specialized assistance. Juveniles are not miniature adults. They are strongly influenced by their families and their peers, and more often than not, they can be rehabilitated or diverted from a life of crime. Juvenile courts can be an important force in effecting changes in behavior. (A CD-ROM produced by the National Council, with support from the Office of Juvenile Justice and Delinquency Prevention, documents success stories of individuals who were referred to the juvenile court as teenagers. One of the success stories included is that of former Senator Alan Simpson.)

2. Through block grants, training, technical assistance, and model programs, the OJJDP provides a comprehensive and integrated approach to addressing juvenile justice

issues. Linkages between child abuse and neglect and delinquency have been researched and documented. Block grants are an important way in which the federal system can help state and local governments deal with issues related to delinquency and with child abuse and neglect.

3. Supporting training for judges and court staffs in best practices identified by applied research is another important function of the OJJDP. Technical assistance, such as management consulting or transfer of knowledge about a particular issue or technique from one organization or individual to another is also an important component of the OJJDP's effort. And finally, development and dissemination of information regarding model programs, what works and what doesn't, and how to develop the process for assessing practice, identifying barriers, and planning for and implementing change is critical to reforming current practice into best practice.

**The Original Federal Role in Juvenile Justice**

Federal involvement in juvenile justice has changed over the years. In 1974, when Congress first passed the Juvenile Justice and Delinquency Prevention Act (JJDPA), the primary focus of federal funding was to protect juvenile offenders while they were being processed in state court systems. The original version of the JJDPA mandated that juveniles be removed from adult jails and separated from adult offenders if they were being held in facilities where adults were lodged. The JJDPA also required the deinstitutionalization of status offenders. Juveniles who were charged with offenses which would not be considered offenses if they were adults, i.e., truancy, runaways, incorrigibility, and similar offenses were not to be held or treated in secure facilities with adults.

Over the years since 1974, a supplemental core requirement, the reduction of disproportionate confinement of minority offenders, has been an additional focus of this effort.

**The Federal Role Today**

Today's Office of Juvenile Justice and Delinquency Prevention bears little resemblance to the office of 27 years ago. The focus has shifted, through the efforts of Congress, successive administrations, and dedicated professionals both inside and outside the federal government. Today's OJJDP is an agency within the Justice Department that the federal government can truly be proud of. With a relatively modest FY 2001 budget of $594.7 million, the office is helping to address virtually every problem important to state juvenile court systems today - violent offenders, gangs, gun violence, drugs, teen courts, abuse and neglect, involvement of victims in the court process, research based prevention programs, gender specific treatment programs, boot camps, transfer of juveniles to adult court, innovative approaches to juvenile probation, mental health needs of juvenile offenders, and the relationship between family violence and child abuse and neglect, in addition to the original focus on the core requirements.

The OJJDP's programs are cost-effective and thoroughly evaluated. Statistics maintained through the OJJDP-funded programs allow analysis both over time and jurisdiction to jurisdiction. Information developed by the Office's support are being disseminated nationwide using technologically advanced means, including websites and CD-ROMs. Research data collected during program operations is used to modify and improve future programming.

The Office of Juvenile Justice and Delinquency Prevention has played a significant role in representing issues related to justice for children and youth within the U. S. Department of Justice since its inception. The functions the OJJDP serves are many:

- **Provides** a voice for juvenile justice and child welfare/delinquency prevention issues in the U.S. Department of Justice, Office of the United States Attorney General;

- **Supports** innovative programs for dealing with children, youth, and their families;

- **Supports** research, training, and technical assistance for juvenile justice system and cross-system professionals;

- **Provides** national juvenile justice statistics; and

- **Provides** leadership in developing best practices and guiding courts and systems nationwide toward improved practice throughout the continuum - prevention to diversion and through aftercare.

The changing nature of delinquency referrals to the juvenile court in urban communities has created significant issues which must be addressed by juvenile and family courts. While juvenile crime is down 36% over the last five years, public perception that juvenile crime is escalating continues. While research indicates that juveniles need responsible adults in their lives with a good

educational component and strong values to support them, we continue to blame children and juveniles for the problems of society.

The provision of federal juvenile justice assistance is vitally important to rural courts. Such courts are likely to have fewer administrative and treatment resources available, and benefit greatly from technical assistance and information about model programs provided by federal participation. Although juvenile arrests for serious crimes against persons and property are at a 20-year low, juvenile court caseloads remain high. Continuation of the federal effort to assist state courts in dealing with juvenile offenders will ultimately reduce adult crime, reduce the costs of crime, and increase public safety.

The significant history of federal involvement in abuse and neglect practice and initial activities in improving delinquent practice are beginning to change the juvenile justice system's response to children's issues nationwide. Model Court practices to assist in improved dependency practice and delinquency prevention include a focus on early service delivery and timely, well-informed decision-making. Focused efforts in the delinquency arena are beginning to address best practices, as well.

The Office of Juvenile Justice and Delinquency Prevention provides critical assistance to juvenile and family courts, juvenile justice system practitioners, and related fields by supporting training and technical assistance efforts, and also by supporting and encouraging model programs. These efforts provide an opportunity for: (a) Development of assessment tools; (b) System

assessment; (c) Research on changing trends; (d) Research on best practices; (e) Use of early service delivery; (f) Development of technology development and improvement; and (g) Focus on removing impediments for information sharing among agencies.

OJJDP's programs in development of Model Dependency Courts, Youth Courts, Mentoring Programs, Comprehensive Strategies, Safe Streets, Safe Start, and other innovations have led the way for numerous practice improvements, and are finding success in model replication nationwide.

**The National Council's OJJDP-Supported Activities**

The Vision Statement of the National Council of Juvenile and Family Court Judges states:

> "[It is our Vision] that every child and young person be reared in a safe, permanent and nurturing family, where love, self-control, concern for others and responsibility for the consequences of one's actions are experienced and taught as fundamental values for a successful life. The National Council seeks a society in which every child and every family in need of judicial oversight has access to fair, effective and timely justice."

Toward that end, the National Council's efforts to reach an increasing number of system professionals have expanded dramatically in recent years with funding provided by OJJDP. Training is regularly provided and tailored to meet the needs of national and local audiences. Training for specific disciplines, as well as training across disciplines, has provided information to hundreds of

thousands of participants over the 64-year history of the National Council. In 2000, the NCJFCJ trained over 25,000 participants during 191 national, state, regional, and local programs and conferences.

Technical assistance was provided in 2000 in response to literally thousands of system professionals including: juvenile and family court judges, court administrators, child welfare system personnel, law enforcement personnel, attorneys, child advocates, legislators, court administrators, educators, juvenile probation officers, mental health professionals, and others. Technical assistance was provided in response to telephone, letter, email, or web-based inquiry of system professionals; responses ranged from provision of written materials to research and writing, to on-site hands on assistance.

The National Center for Juvenile Justice (NCJJ), Research Division of the National Council, is dedicated to improving the quality of justice for children and families by conducting research and providing objective, factual information that is utilized to increase the juvenile and family justice systems' effectiveness. Founded in 1973, the NCJJ with support from OJJDP collects and analyzes national data related to juvenile crime and juvenile court operations. The NCJJ provides expertise in data collection, research and analyses, development of management information systems, technical assistance, and facility design and evaluation. Data disseminated by the NCJJ about juvenile crime is provided in formats to meet the needs of juvenile court practitioners and other data users.

One example of an OJJDP-supported project, which has had a major impact upon the handling of children's cases, is the National Council's Victims Act Model Court Project, an initiative of the Permanency Planning for Children Department. Funded by the Office of Juvenile Justice and Delinquency Prevention, this initiative focuses on improving court practice in handling of child abuse and neglect cases. Many linkages between child abuse and neglect and juvenile delinquency have been researched and documented, leading the OJJDP to fund this major delinquency prevention effort.

The passage of P.L. 96-272, the Adoption Assistance and Child Welfare Act of 1980, focused attention upon a dysfunctional child welfare and juvenile court system. Children were being removed from their homes and placed into a foster care system ill-equipped to meet their needs. Thousands of children were caught in "foster care drift," experiencing multiple placements over multiple years. Children finally aged-out of the foster care system with no family ties or sense of values and self worth. The legislation encouraged courts to take an oversight role in child abuse and neglect cases, and to ensure that children receive a permanent placement in a shortened period of time. The OJJDP provided resources to the National Council to train judges, child welfare professionals, attorneys, and others regarding P.L. 96-272 and national recognition regarding the plight of foster children began to lead systems professionals toward examination of practice. However, until 1995, there was no 'best practice guidelines document' which could lead the way in a major national systems change effort.

In 1995, the National Council, with support from OJJDP published the *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases.* That document, endorsed by the Conference of Chief Justices and the American Bar Association, met the need for a best practice document, by citing key components of complete and fair hearings. The *RESOURCE GUIDELINES* is being used as a blueprint for change by Court Improvement Programs and individual courts nationwide. Since its first printing, over 22,000 copies of the *RESOURCE GUIDELINES* have been disseminated nationally, and it is regarded by courts across the country as the leading standard for improving court practice in child abuse and neglect cases.

Building upon the *RESOURCE GUIDELINES,* a number of 'Model Courts' were selected to participate in a national project to implement the principles outlined in this document. These courts are guided by a 'lead judge' who came to the National Council with a commitment to changing practice, and to implementing the key components of the *RESOURCE GUIDELINES* in his or her jurisdiction. Model Courts are engaged as laboratories for change, and, as such, are providing vital "how to" information for other courts nationwide. Model Courts are encouraged to examine court practice; identify barriers to timely permanency for children; collaboratively plan for change; and to implement new court rules, agency practices, and state legislation in order to meet their goals. Recognizing that courts do not exist in a vacuum, the model jurisdictions are encouraged to collaboratively join with their child welfare systems to plan and implement necessary reforms.

From an initial single Model Court to the current 23 Model Courts, this project has been responsible for notable changes in practice nationwide. Model Courts represent the nation's largest

jurisdictions, including New York City, NY; Cook County (Chicago), IL; and Los Angeles County, CA; Newark, NJ; and Miami, FL; as well as Louisville, KY; Cincinnati, OH; Indianapolis, IN; Nashville, TN; and New Orleans, LA. A Tribal court, the Zuni Pueblo in New Mexico, has also joined the project. Model Court jurisdictions represent nearly one-third of this nation's children in out-of-home care.

Model Court achievements over the past six years have been many, and in some cases, remarkable. The Cook County Juvenile Court - Child Protection Division, through leadership of then lead judge Honorable Nancy Salyers and in close collaboration with Jess McDonald, Director of the Illinois Department of Children and Family Services, implemented court and child welfare system reforms which resulted in a reduction of the number of children in out-of-home care from over 58,000 in 1996 to less than 21,000 in 2001.

Each of the Model Courts has committed to serving as a mentor to other courts, outside of the Model Court project, who are interested in improving practice in their own jurisdictions. With the passage in 1997 of the Adoption and Safe Families Act, there is a critical need for child welfare systems and courts to improve practice which will provide for safety, permanence, and well-being for this nation's foster children in 12 months - a difficult but achievable goal. As a result, Model Court representatives are serving as faculty, hosting site visits from other courts, serving as sites for research, and reaching out to hundreds of other courts nationwide since initiation of the project. Without OJJDP support, this major national effort, which has gained momentum through State Court Improvement Programs and other state-based reform initiatives, would not have been possible.

**Conclusion**

OJJDP's mission is to provide national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. Through the wide range of programs implemented by that Office, juvenile and family courts, juvenile justice systems, child welfare systems, and related fields are receiving critical training, technical assistance, support, and encouragement to improve system's response to issues related to children and youth. As a result of this work, juvenile and family courts who address children's needs on a daily basis are better able to serve those children and their communities by providing better alternatives and finally outcomes for this nation's children. The National Council of Juvenile and Family Court Judges fully supports the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974 and the continuation of the Office of Juvenile Justice and Delinquency Prevention.

On behalf of the National Council of Juvenile and Family Court Judges, I would like to thank you, Mr. Chairman, for inviting me to participate in hearings on this important legislation. I would be pleased to answer any questions you may have at this time.

***APPENDIX C -- WRITTEN TESTIMONY OF DR. EDWARD MULVEY, PSYCHIATRIST, LAW AND PSYCHIATRY RESEARCH, WESTERN PSYCHIATRIC INSTITUTE AND CLINIC, UNIVERSITY OF PITTSBURGH SCHOOL OF MEDICINE, PITTSBURGH, PENNSYLVANIA***

**Testimony to the United States House of Representatives**
**Committee on Education and the Workforce**
**Subcommittee on Select Education**
**Hearing on H.R. 1900**
**"Juvenile Crime Control and Delinquency Prevention Act of 2001"**
**June 6, 2001**
**by**

**Edward P. Mulvey, Ph.D.**
**Professor of Psychiatry**
**University of Pittsburgh School of Medicine**
**John D. and Catherine T. MacArthur Foundation**
**Network on Adolescent Development and Juvenile Justice**

Good Morning. I appreciate the opportunity to be here today and to comment on the role of research in improving the juvenile justice system. As a researcher, I am qualified to comment on what we know from the existing empirical work in juvenile delinquency and juvenile justice and what needs to be found out in the near future. My hope is that you can figure out how to best capitalize on what is known and to promote structures that allow for the generation of new, useful knowledge.

The fundamental point that I would like to make today is that useful research has and can be done regarding juvenile delinquency and the juvenile justice system. The unfortunate fact in juvenile justice, however, is that the system is usually ruled more by fads than empirical findings. We keep looking for, or thinking that we have found, the "right" approach to dealing with juvenile crime. Then, within a few years, we come to realize that we have been seduced by a simplistic answer to a very complicated set of clinical, jurisprudential, and practical problems. To me, the logical approach to this frustrating situation is not to quit asking questions, but simply to ask better ones. By looking at and pursuing sound empirical information, we can move out of this wasteful cycle and greatly

increase the chance of making incremental progress toward a more just and effective system.

One way that research can make a clear contribution is by testing the assumptions underpinning broad policy positions in this area. There are, for example, three assumptions that underpin the logic of having the juvenile justice system as a separate structure from the adult justice system. Research on each of these assumptions has, and will, improve practice and inform policy debate about methods for handling juvenile crime.

Assumption #1: *Adolescents are different from adults in ways that make it reasonable to consider their cases in a more individualistic fashion.* The idea that adolescents think differently from adults and that their actions are more determined by transitory social situations is at the heart of our commitment to a separate juvenile court. We have long thought that adolescents have limited competency compared to adults and that we should therefore examine the actor rather than the act is deciding what to do with adolescent offenders.

There is some work that supports this assumption, but much needs to be done before this issue is clear. There has been work on the judgment of adolescents that indicates they weigh risks and benefits differently than adults, but that adolescents above fourteen often perform comparably to adults in decision making tasks. There is research currently underway by the MacArthur Foundation Network on Adolescent Development and Juvenile Justice examining the specific question of how to assess the competence of adolescents to stand trial as adults. Such work can inform guideline setting, clinical

practice, and judicial decision making about when to consider an adolescent an adult for purposes of court processing. Knowing more about what distinguishes an adolescent's judgment from an adult's can provide the groundwork for reasoned approaches regarding the use of individualistic assessment. It can help us get us out of the box of having to choose between wholesale lack of accountability for juveniles and sloppy, statute-based strategies for meting out proportionality.

Assumption #2: *We can identify adolescents who are most at risk for future offending and provide services or sanctions to them selectively.* Successful juvenile court action rests on the ability to sort out the true "bad apples" from the adolescents who will straighten out on their own. Putting resources into adolescents who are already too far down the path toward criminality is inefficient and may endanger the community. Knowing how to sort adolescents according to their likely risk of recidivism is key to making the juvenile court responsive to its often competing demands to provide effective services and protect the community.

There is a large body of longitudinal research done over the past 25 years that has told us a great deal about the risk factors for the initiation and maintenance of antisocial behavior. In other words, we have learned much about what increases the likelihood that an adolescent will become involved in delinquency. This information has been very useful in targeting and refining prevention programs for adolescents likely to commit criminal acts. We do not know much, however, about how serious adolescent offenders "straighten out" during late adolescence, although we do know that a large proportion of

these adolescents do make relatively successful adjustments to adulthood. We need to know more about this process in order to know what can be done for the serious adolescent offenders found in the juvenile justice system.

A team of investigators (I am one of the principal investigators of this group) is currently pursuing this latter question, with funding from the Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the John D. and Catherine T. MacArthur Foundation, and the William T. Grant Foundation. In this study, we are following approximately 1,200 serious adolescent offenders to see what factors contribute to their successful adjustment to young adult roles. Rather than looking at what gets kids into trouble, we are documenting what gets them out. This is the sort of information that is needed to help the court in their efforts to figure out which serious offenders are likely to go on to serious adult crime and which ones are likely to straighten out in that critical period of transition during late adolescence. It is an example of the type of research that will help the court do their sorting task better.

Assumption #3: *We have some approaches that work with adolescent offenders.* The final assumption behind a separate juvenile justice system is that we can have a positive effect on adolescents through some form of intervention. We hope that adolescents, because of their less than fully formed state, can be affected positively by efforts to structure their lives or their thinking. In short, we think that involvement with certain types of programs can make an appreciable, positive difference.

There are a few general conclusions that can be drawn from the research on programming for adolescent offenders. First, the earlier the better. Preventive intervention with families with young children can show positive effects on later delinquency. Second, different things work at different times in development. There is no magic approach that works at all ages. For example, changing the way adolescents think about the role of violence in social interactions is more effective with young adolescents than older adolescents. These different effects at different ages simply reflects the fact that the factors that contribute to risk change over time and must be addressed in different ways at different ages. This means that juvenile crime can only be addressed effectively by having a balanced portfolio of approaches to prevention and intervention. Third, the most effective programs with adolescent offenders are comprehensive, theory-based, and use structured methods for building skills. Comprehensive programs, flexible to local conditions, that take families and communities into account, have a higher likelihood of continued success. Programs with theories about how change will occur in the adolescent and take a broad view of this process consistently outperform approaches that attempt to change one aspect of an adolescent's thinking or situation, with a vague notion that this will make things better.

Pursuit of research like that outlined above will help refine juvenile justice policy and practice. It points the way toward methods for assessing and intervening in the lives of adolescent offenders with less vindictiveness than many of our current policies and more realistic concern for public safety than some of our former policies. Such an informed middle ground can only be achieved, however, by systematically developing a strategy

for pursuing useful research. It does not come from asking again and again if we have found the magic bullet.

A coherent strategy for research requires a central body overseeing and promoting work in juvenile justice that contributes to a balanced portfolio of approaches to dealing with juvenile offenders. It means that empirical investigations in this area would have to be viewed as legitimate activities in their own right, not simply as add-ons to well meaning social service efforts, meant either to justify further funding or to scuttle future attempts at similar work. Too often, research and evaluation in this area are seen as proving whether something works or not in the short run, with little regard for accumulating a systematic body of knowledge about how adolescents change and how the juvenile justice system really works. In short, empirical work can be, but usually is not, used effectively in juvenile justice.

The challenge is to build a body of useful knowledge about serious adolescent offenders and the juvenile justice system. This can be done with some vision and patience; expecting good science and pragmatic answers over time, much as we do with medical research. We do not and would not expect to generate knowledge about treating complicated medical disorders piecemeal or in a time frame that serves our immediate funding cycle. Yet we somehow think that this can be done with the complicated processes underlying antisocial and violent behavior in adolescence.

The point here is simply that much can and should be expected of research. These expectations will only be met, however, if the agencies funding that research can operate as independent, professional organizations charged with developing a coherent, integrated set of studies aimed at answering broad questions about how adolescents develop and the juvenile justice system affects them. Taking this approach, there is great potential for research to provide empirical information to guide incremental improvements in policy and practice. Without it, we keep following the newest fad and getting disappointed when it goes out of style.

Thank you.

## Committee on Education and the Workforce

Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: EDWARD P. MULVEY

| | Yes | No |
|---|---|---|
| 1. Will you be representing a federal, State, or local government entity? (If the answer is yes please contact the Committee). | | ✓ |
| 2. Please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1998: National Institute of Mental Health - Principal Investigator "A Longitudinal Study of Psychotically Violent Patients" National Institute of Justice - Principal Investigator "A Prospective Study of Serious Adolescent Offenders" Office of Juvenile Justice and Delinquency Prevention - Principal Investigator "A Prospective Study of Serious Adolescent Offenders" United States Secret Service, Research Advisory Committee | | |
| 3. Will you be representing an entity other than a government entity? | ✓ | |

4. Other than yourself, please list what entity or entities you will be representing:
John D. & Catherine T. MacArthur Foundation Network on Adolescent Development and Juvenile Justice.

5. Please list any offices or elected positions held and/or briefly describe your representational capacity with each of the entities you listed in response to question 4:
Member of Research Network listed in #4. Part of core planning group designing research agenda funded by the MacArthur Foundation

6. Please list any federal grants or contracts (including subgrants or subcontracts) received by the entities you listed in response to question 4 since October 1, 1998, including the source and amount of each grant or contract:
None.

| | Yes | No |
|---|---|---|
| 7. Are there parent organizations, subsidiaries, or partnerships to the entities you disclosed in response to question number 4 that you will not be representing? If so, please list: | | ✓ |

Signature: _____ Date: _____

Please attach this sheet to your written testimony.

→ National Science Foundation, Steering Committee Member, "National Consortium on Violence Research"

## *APPENDIX D -- WRITTEN TESTIMONY OF MARK WITTE, DIRECTOR, JUVENILE JUSTICE PROGRAMS, WEDGWOOD YOUTH AND FAMILY SERVICES, GRAND RAPIDS, MICHIGAN*

**Testimony of Mark A. Witte**
**Associate Director of Professional Services**

**Wedgwood Christian Youth and Family Services**
**PO Box 88007, 3300-36th Street SE**
**Grand Rapids, Michigan 49518-0007**
**Telephone (616) 942-2110**

**before the U.S. House of Representatives**
**Committee on Education and the Workforce**
**Subcommittee on Select Education**
**Washington, D.C.**

**June 6, 2001**

Mr. Chairman, and other distinguished members of the Subcommittee, I am Mark Witte, Associate Director of Professional Services for Wedgwood Christian Youth and Family Services. I am pleased and honored to have been invited to provide this testimony about HR 1900, and do so on behalf of Wedgwood.

## Agency Background

Wedgwood Christian Youth and Family Services (www.wedgwood.org) is a private non-profit organization headquartered in Grand Rapids, Michigan. We have service locations in West Michigan, Southeast Michigan and in the Northern part of the Lower Peninsula, and we employ just over 500 full-time, part-time and on-call staff.

Wedgwood is now over 41 years old, having been founded in 1960 by a visionary group of community-minded individuals who saw a need for professional treatment services for adolescents and their families. Our founders were men and women who knew of the desperate

needs for care and guidance that some of our community's young people had, and were moved to act to help them find a new direction for their lives. They responded by correctly discerning a need to provide professional care and treatment services from a genuine and distinctive Christian foundation. This dual foundation of professional services and distinctive Christian care continue to be the strong undergirding of our agency's services to this day.

Our Mission Statement is as follows:

**Wedgwood Christian Youth and Family Services**

**provides an array of services**

**to children, youth, families, and communities,**

**in need of healing and wholeness,**

**striving always toward professional excellence,**

**and extending God's mercy, grace, and love**

**in a manner which points the way to Him.**

Our services are very diverse; we offer an array of services, all of which are accredited by the Council on Accreditation for Children and Family Services.

- **Residential Treatment Programs** – These programs serve adolescent girls and boys who have been abused or neglected, have severe mental health conditions, or who have been adjudicated delinquent and are wards of either county courts or the state. We offer secure campus-based residential programs, open community-based residential programs, crisis homes, shelter care services, and specialty residential programs for the chemically dependent, the sexual offender and for families desiring intensive empowerment services.

- **Community-Based Treatment Services** – Like our residential programs, these services are offered for adolescent girls and boys who have been abused or neglected, have severe mental health conditions, or who have been adjudicated delinquent and are wards of either county courts or the state. Services are provided in licensed foster homes, independent living settings as well as in the family home of the client served. In the past five years alone, Wedgwood has provided care to over 2,500 adolescents in our secure, open, specialized, and community-based services divisions.

- **Mental Health and Substance Abuse Outpatient and Intensive Outpatient Services** – These programs offer traditional counseling services (including psychological testing) for adults and children, psychiatric outpatient services, and unique experiential intensive outpatient substance abuse services for adolescents. We currently have approximately 500 clients in care, and complete care for approximately 750 individuals and families per year.

- **Prevention and Education Programs**

    - Wedgwood's Corporate and Community Resources Division offers team-building and communication skills resources through experiential methods for corporate and church groups. These same facilities are used by a wide variety of community school groups to foster healthy peer groups among teens, to implement drug and alcohol prevention efforts, and to get at significant life issues through the approach of experiential education.

- Neighborhood Youth Programs are a partnership with local churches in "at risk" communities to offer small group mentoring for children who would otherwise be prone to substance abuse, premature sexual activity, and a host of delinquent alternatives. We seek to help these young people acquire *developmental assets*, as identified by the Search Institute of Minneapolis, Minnesota (www.search-institute.org). Wedgwood's prevention services reach approximately 3,000 individuals directly through our various prevention and education services.

## Wedgwood's Values

Many people comment that Wedgwood is a unique place to visit and to work, and they are right. Our traditions are strong and our roots are deep. We sense a true calling to our mission, and take the work very seriously. One way of describing Wedgwood is to tell you about the values by which we operate. The work we do combined with these motivations make us who we are.

1) Faithfulness to God's Call to Ministry

Our desire to serve is borne out of a conviction that we are ultimately responding to God's call to engage in a ministry of healing and to encourage people to be all God intended them to be.

2) Respect

Because we believe that each person is created in God's image and has infinite value and purpose, we care about listening to one another and affirming the value of others perspectives. We seek mutually agreeable solutions to problems and issues both among staff and with our clients. We also affirm that people have differing gifts and we desire to assist everyone to grow into effective use of all of their gifts and talents. We aim to treat all people with respect, compassion, mercy, and kindness.

3) Professionalism

All of our clinicians and supervisors possess Master's degrees or higher, and are licensed or certified by the state at the highest possible level. Those staff who are not required to be degreed or licensed are highly trained in therapeutic intervention and often have years of experience in the field of human services.

We aim to be broad and multi-faceted in our approach to meeting our clients' needs. We approach treatment within the context of relationships, and maintain individualized and family-centered perspectives toward treatment planning. We incorporate the best that modern social work, psychology and psychiatry has to offer in terms of individual, group and family therapies, and also pay attention to the spiritual dimension of each person by encouraging him or her to meet those important needs as well. In residential programs, we provide a complete array of support services including on-site nursing care, an employment training program, activity therapy interventions, adult life skills classes, experiential education opportunities, and spiritual development activities.

We work diligently to assure a safe and therapeutic environment by constantly training staff to effectively intervene to reduce the likelihood of violent episodes, to provide for the care, welfare and safety of everyone.

In all of these efforts, we aim to build upon strengths, and attempt to help empower clients and families to make important choices for themselves wherever possible. We seek to preserve client dignity and freedom by providing care in the least restrictive environment possible while still preserving safety for both the client and the community.

4) Teamwork

We recognize the importance of combined efforts of team members, inside and outside of Wedgwood. Internally, most departments operate as active teams that blend the skills and abilities of many staff to perform what no individual could do alone. Externally, we strive to respond to community needs – those of our clients, our supporters and our purchasers. We are continuously engaged in a variety of local, state and national efforts to be a part of the solution to the challenges we face in our communities. We do our part on a statewide level as a member of the Michigan Federation of Private Child and Family Service Agencies, and on a national level as a member of the Child Welfare League of America (of which we are an accredited member).

5) Stewardship

We seek to exercise good stewardship over the resources with which we have been entrusted, whether given by donors or acquired as the result of services we have provided.

We promote a strong culture of fiscal accountability and always seek to achieve cost-effective delivery of high quality services.

6) Accountability

We uphold high standards for accountability in our efforts to provide excellent services. We promote accountability for all staff through regularly scheduled supervision, clearly defined responsibilities and annual performance appraisals. We also welcome the external accountability afforded through state licensing rules and voluntarily comply with all accreditation standards.

7) Diversity

We seek to employ an increasingly diverse workforce – in terms of race, gender, and ethnicity – at every level of the organization, since we desire to provide services that are culturally competent to an increasingly diverse community. In addition, we also hold Institutes for Healing Racism to wrestle with the core issues of injustice in our midst.

8) Quality Improvement

Our passion for excellence entails a continuous effort to find ways to improve our performance. Toward that end, we maintain agency-wide quality improvement programs that include ongoing review and planning on a wide range of agency performance indicators.

9) Continuous Learning

We invest time, energy and resources into creating a continuous learning environment. Our aim is to promote a culture in which growth in knowledge and skills are highly valued, and are used to the benefit of the learner, the agency and the client and community we serve.

These values arise out of and flow from our mission to serve clients in a professionally competent and distinctively Christian manner. It is our desire to grow in our ability as an agency, to provide services in ways that give expression to these values in all of our work and our relationships. In this way we fulfill our goal, which is to bring honor to God through the work of Wedgwood.

In your invitation to provide testimony, you specifically requested that we address three of our programs – our secure, campus-based residential treatment program, our residential substance abuse treatment program, and our Juvenile Justice Diversion and Reintegration Alternatives program. I will provide a few comments about each of these programs in order to acquaint you with the kinds of clients served by each of these programs.

## Program Descriptions

***Secure, Campus-based Residential Treatment Programs***

Nine of Wedgwood's twelve residential treatment programs are secure, campus-based residential treatment programs, and together they offer space for 102 residents at any given time. Five homes are 12-bed facilities for males, and two homes are 12-bed facilities for girls. Two homes are co-ed programs that altogether have 18 beds for either males or females.

These homes serve as alternatives to large centralized institutions such as the training schools and state psychiatric hospitals. The overall aim is to provide 24-hour supervision and treatment in a Christian atmosphere. Out of concern for the whole person, a program and environment is provided which promotes physical, social, intellectual, emotional, and spiritual growth.

This program was begun as a response to a task force that in 1979 identified a need for more intensive services for Kent County adolescents. The task force found that severely disturbed adolescents with conduct disorder characteristics were the group most difficult for the various systems to serve. Several traits common to "hard to place" children were identified in this report, including:

a. Physically aggressive/assaultive behavior

b. Self-destructive/self injurious behavior

c. Inappropriate sexual activity

d. Borderline to low-normal intelligence

e. Disrupted/chaotic family structures

f. Running away

g. Multiple placement in various treatment facilities

h. Extremely low self-esteem

Wedgwood's secure residential treatment programs were developed on the assumption that each child has a basic right to the care, guidance, love and protection required for growth, development, and, ultimately, for productive and healthy functioning.

Our experience is that the hard-to-place adolescent has frequently experienced considerable deprivation and hurt and requires a great deal of help to achieve his/her potential level of functioning. Importantly, families of these young people also need their child to be in a safe place so that they can begin to have positive experiences together and begin to work on family issues.

Essential ingredients of Wedgwood's secure residential treatment programs are a high ratio of direct care and treatment staff to residents, a structured treatment milieu with an emphasis on consistently encouraging positive choices, and individual, group, and family therapy. The treatment program also provides opportunity for training in adult living skills and work skills, activity therapy, a heavy emphasis on staff training, and an attitude of persevering in the effort to serve clients and their families, particularly those who present with long-standing difficulties.

The enriched ratio of staff to residents permits the staff to provide the residents with healthy, positive attention that they so desperately need. Sufficient staffing allows these boys and girls to be "mainstreamed" within the Wedgwood program and to participate more fully in the many therapeutic opportunities that would not otherwise be possible.

These opportunities include a Therapeutic Activities Program, an Employment Training Program, and an on-campus educational program. These treatment modalities would likely be out of reach for youth who function as low levels because they could not be otherwise adequately supervised while participating. As residents develop coping skills, they are integrated into community social settings, and there is also an option of integration into community school settings.

Family therapy and family involvement in the treatment program are important parts of Wedgwood's services. Family therapy occurs on-site at Wedgwood facilities as well as in family homes; we aim to create a partnership in treatment with each family that works toward family empowerment, family stability, and healthy development of the adolescent within the family.

Family therapy may include work with individual parents, couples, siblings, entire families, and/or extended family members. Foster or prospective foster families may also be involved with family treatment. In addition, families are encouraged to visit their children at our facilities and to participate in family potlucks, family athletic events, and other similar family-related activities. Wedgwood has a guest house on the Kentwood Campus that can house families from out of town overnight or for a weekend. This home also gives opportunity for families to plan and carry out family activities with staff and therapist consultation and support.

A heavy emphasis on training permits the staff to relate effectively and confidently to these difficult young residents. A philosophy of flexibility and openness to considering all possible alternatives and strategies for treatment, and persevering through difficult phases of treatment, communicates to the youth and families that we believe in their worth as individuals and in their ability to grow and change.

Methods/Treatment Elements

1. Multi-Disciplinary Case Reviews - This team meets within four weeks of admission and quarterly thereafter to clarify goals and treatment objectives, assess progress, and plan future interventions. Wedgwood has long used a multi-disciplinary treatment

approach and this team takes on an active role with regard to formal review, planning, and revision of individual treatment plans. In addition to the client, the family, psychologists, social workers, and recreation therapists who are regularly included in case planning, a psychiatrist and a nurse may participate as needed. Representatives of other disciplines are also available.

2. Professional Counseling - As in other Wedgwood programs, experienced social workers or clinical psychologists work intensively with the residents, incorporating individual and group therapy into each resident's program, and providing on-going family therapy whenever possible. Counseling and individual therapy supports the daily treatment routines of the home and helps to insure that the resident's treatment plan is followed. Since there is a greater need for such services for this population, these professionals are available for contact on a daily basis. Wedgwood maintains offices in both Traverse City and Southeast Michigan areas, making it easier for clients with family in those areas to participate in treatment.

3. Psychiatric Services - Wedgwood employs consulting psychiatrists who are able to assess clients who exhibit psychiatric symptoms, prescribe psychotropic medication when needed and, working with the multi-disciplinary team, monitor and adjust psychotropic medication dosages as warranted.

4. Nursing Services - Wedgwood staff nurses monitor and attend to the physical and special medical needs of residents in care, coordinating all health related services and

treatment, including dietary-related needs. Nurses are available for consultation on a 24-hour basis.

5. Staff-to-Client Ratio - An enriched staffing ratio is provided allowing residents greater amounts of one-to-one time with youth treatment staff, as well as access to Wedgwood's on-grounds school program, recreational facilities, and planned social events. The staffing pattern permits residents to participate in therapeutic activities that would otherwise be unavailable to them in the other programs. In a typical 12-bed facility, four or five staff members work during peak contact times, while two staff members work each overnight shift. This ratio is enhanced by the regular presence of supervisory, support, administrative and clinical staff.

6. Structured Level System - Components of various motivational programs encourage residents to work towards attaining their treatment goals. The treatment program's level system is coordinated with the level systems currently used at other Wedgwood programs so that residents can move easily into other programs within Wedgwood's array of services.

7. Behavior Management - Youth Treatment Specialists receive specialized training in behavior management techniques and crisis prevention and management. Additional training equips staff to work effectively with dual-diagnosis and lower-performing adolescents, especially those determined to be in need of more intensive treatment, through greater staff involvement and supervision.

8. Activity Therapy – These services are provided for residents on an individual and small-group basis, and offer recreational and physical development activities designed to improve interpersonal skills and develop social confidence. Experiential methods, including ropes course activities, are also used with groups and families. Wedgwood's Activity Therapy staff provide classes to address such topics as adolescent sexuality, relationships, healthy leisure time use or recreational skills development.

9. Employment Training - This program offers residents an opportunity to learn skills necessary to apply for and hold jobs in the community. Classroom training, small group work projects, and on-the-job training placements in the community form a continuum of work experience which will prepare these adolescents for success in the workplace.

10. Adult Living Skills - Classes teaching a variety of skills in preparation for independent living are offered to all residents. These include money management, cooking, home maintenance, laundry, shopping, personal care, etc. Development of these skills is especially emphasized for youth who are preparing for independent living.

11. Chaplain Services - Spiritual development activities are provided to emphasize positive attitudes towards living and resolution of conflicts and feelings related to prior behaviors and traumas. Chaplains assist interested residents to developing values and faith practices that are in harmony with those of their families. Residents may request personal contact with a Chaplain to seek support and to discuss concerns or questions that have a spiritual dimension. Voluntary Bible studies and spiritual growth

opportunities are offered. Awareness of and appreciation for cultural and spiritual diversity is encouraged and role-modeled.

12. Educational Services - An on-grounds school program that is tailored to individual achievement levels is provided by the local community school system. In order to encourage positive classroom behavior and school performance, the structured treatment program with its emphasis on rewarding positive behavior is extended to the classroom. Wedgwood staff assist teachers by functioning as aides and as liaisons to the treatment team.

13. Volunteer Services - Wedgwood maintains a staff of volunteers who are available to enrich program with special events and, when prescribed by the therapist, to provide 1:1 activity-oriented relationship with selected residents who might benefit personally and develop social skills through such a relationship. Volunteers are trained and supervised, and receive instruction regarding the importance of maintaining confidentiality in treatment.

Of the more than 2,500 clients Wedgwood has served in the past five years (1996-2000) in residential and community-based services, nearly 1,800 were served in residential treatment programs. Wedgwood has provided longer-term secure residential treatment services for 769 adolescents and their families. Clients ranged in age from 10 to 18, with most clients being between the ages of 13 and 16. 67% of the clients were Caucasian, with 25% African-American, 0.1% Asian/Pacific Islander, 3% Native American and 5% listed as "Other". Average length of stay was 295 days (9.8 months). For each of the past five years, overall success for secure

residential programs has been between 70 and 75%, while our state contracts stipulate a minimum performance of 60%. We are convinced that our success could be even higher if we were able to concentrate our efforts on those who are most able to be treated, as opposed to the requirements now in place that all referrals be accepted into care without assessment as to suitability for treatment by our agency.

***Residential Substance Abuse Treatment Program***

One of the nine secure residential treatment programs identified above is the Wedgwood Recovery Program, a 12-bed boys program for adolescent substance abuse treatment that was begun in 1989. In the past five years (1996-2000), Wedgwood has provided secure residential substance abuse treatment services for 98 adolescents and their families. Clients ranged in age from 13 to 17, with most clients being between the ages of 15 and 16. 72 of the clients were Caucasian, with 19 African-American, 1 Native American and 6 listed as "Other". Average length of stay was 272 days (9.0 months).

During calendar year 2000, a total of 33 boys were served. Fifteen of the 33 were referred by county juvenile courts, while the remaining eighteen were referred by the Family Independence Agency, our state social services department. Most of those placed by the county courts were paid for through a special grant obtained by the court. Those placed by the state represent youth under state wardship due to their need for placement. Most are TANF-eligible, and their placement is paid for through the FIA.

Whether referred by the court or by the FIA, one common theme runs through all of these cases; each of these youth has an emerging primary substance abuse disorder. The illegal

activities for which they were adjudicated fall into two categories – illegal behavior while under the influence of alcohol or drugs, or illegal actions taken in an attempt to secure alcohol or drugs. In many cases, the motivation to deal with the underlying substance abuse disorder is greatly enhanced by the ongoing role of the court in identifying future sanctions for a lack of progress in treatment.

The program in which these youth participate is both comprehensive and challenging. It is similar to that described above, in that all services available in a traditional secure residential treatment program are available to these clients as well. A major difference is the degree of responsibility clients take for their own program of recovery. As with most substance abuse treatment programs, clients must come to see that the recovery process is a lifelong effort of diligence for which no sustained pattern of avoidance will work. Therefore, the program is much more peer-led, utilizing a greater number of groups than in traditional residential treatment. These groups provide clients with information, education, motivation and encouragement to persevere in their abstinence and recovery. Clients attend daily meetings of Alcoholics Anonymous or Narcotics Anonymous while in the program.

Of the 22 discharges that occurred last year, sixteen (73%) were discharged successfully to their homes or to independent living situations. I consider this to be a remarkable achievement since substance dependence is a chronic, relapse-prone condition, and since achievement of stable recovery in adolescents is such a difficult thing to accomplish. It is a testament to the diligence and sensitivity of our staff to the needs of our clients helps to make such a high degree of success possible.

It is also a testament to the excellent juvenile court judges in Michigan which permit adolescents to seek treatment while the penalties for their offenses are held in abeyance, making it possible to leverage real world consequences for decisions made about treatment and recovery.

It is also important to note that an important element in the delivery of substance abuse treatment services is the availability of recovering adults who choose to give back to others by working in treatment facilities such as Wedgwood's Recovery Program. Many recovering adolescents have found that the most helpful relationship they have had in treatment has been with one of the staff who was in recovery too; someone who spoke from experience and was able to authentically mentor an adolescent through the complex and agonizing process of coming to terms with his own dependence.

***Juvenile Justice Diversion and Reintegration Alternatives***

Since approximately 1989, Wedgwood has been one of several agencies in Michigan who have provided an alternative for juveniles who have been adjudicated delinquent by a juvenile court and who would otherwise be placed in either a detention facility or a state-operated training school.

In 1989, Wedgwood participated with other private agencies to respond to a challenge from the Family Independence Agency (FIA), Michigan's social services agency, to create a network of community-based alternatives. The concept was, and is, to achieve diversion and reintegration by providing targeted counseling from qualified counselors and high-level accountability through home-based surveillance workers. Wedgwood's stance, somewhat

unique in the state, has been to insist upon Master's level clinicians for the performance of this counseling function, despite the cost and implications for competitive bidding on these contracts.

We receive referrals from FIA delinquency workers of youth who are either newly adjudicated as delinquent or who are in public or private institutional settings and deemed able to safely be reintegrated into their home community. Some youth also participated in a fixed-length camp experience run by the state prior to their return the community, which attempted to break down (or at least shake up) the typical defenses of delinquent teens. The experience of succeeding against the relatively harsh outdoors environment lends teens an opportunity to reflect on their situations in ways that may not have been done before.

As the program was implemented, a decided shift began to occur in the flow of referrals. For reasons that must have had something to do with the politics between state and local officials, a contract with the state became several contracts with several counties with varying levels of funding and expectations for performance. The overall trend has been down, with charitable gift dollars to our agency now having to supplement a declining fee arrangement.

In the past five years (1996-2000), Wedgwood has provided JJDRA services for approximately 250 juveniles, 85% of which are male. The clients have ranged in age from 12 to 18, with most either 15 or 16 at the time of admission. The vast majority (159) were Caucasian, with 62 African American, 8 Asian/Pacific Islanders, 8 Native American, and 11 listed as "Other". More than half (56%) were discharged successfully. Most of those who were unsuccessful were escalated into state care, often times for violations in the community that occurred while in the program. Anecdotal evidence suggests that for the past five years, a high

number of escalations were associated with gang activity and substance abuse involvement (resulting in "dirty" drug tests and subsequent escalation).

## Comments, Concerns and Recommendations for HR 1900

HR 1900 is to be applauded for the way that it incorporates adopts the asset approach to looking at delinquency prevention. In our work with neighborhood delinquency prevention programs, we have relied heavily on the significant work of the Search Institute of Minneapolis, Minnesota. The Search Institute has performed research for the past decade to identify the what they call the "positive relationships, opportunities, and values that promote the positive development of all children and adolescents". Please refer to **Appendix A** for a listing of relevant information about the Asset Approach of the Search Institute.

The bill looks to make several rather minor modifications of the present Act in an attempt to improve the practicality of its provisions. This should be acknowledged and appreciated, as it will likely improve compliance with the Act as a result.

There are several provisions, however, which should be reconsidered as they are likely to be problematic in our overall effort to prevent delinquency and assure justice for adolescents in the juvenile system.

**Issue #1:** The Juvenile Justice and Delinquency Prevention Act has historically required that facilities housing both adults and juveniles maintain a "sight and sound separation" between these two populations. The present bill appears to weaken that provision by introducing new language about "prohibited physical contact" or "sustained oral communication"..... While

"physical contact is defined in the bill, the extent of oral communication that must transpire before it becomes "sustained" is not. This should be strengthened to preserve its previous guarantee that children and adults would not come into contact with one another – not physically, not visually, and not even through conversation.

**Recommendation #1: Keep juvenile offenders away from adult criminals.** Restore an expectation of "sight and sound separation" of juvenile offenders and adult criminal populations. Data from the Child Welfare League of America notes that "youth housed with adults are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50% more likely to be assaulted with a weapon than are youth housed with other juveniles. Research shows that youth housed in adult institutions are 7.7 times more likely to commit suicide than are youth housed in juvenile facilities." Please resist any effort to poke holes in the wall that separates the young and impressionable from serious criminals.

**Issue #2:** In its present form, the Juvenile Justice and Delinquency Prevention Act requires that states comply with its standards or face penalties of 25% on its allocation. In addition, the remaining funding is required to be spent on compliance activities. The proposed bill to amend the Act seriously weakens that expectation by reducing the penalty by half, to 12.5%, and eliminates the requirement that the remaining funds be spent on activities to bring a state into compliance. There are, as I understand it today, at least several states that are out of compliance with standards either for keeping juvenile offenders separate from adult criminals or for removing status offenders from jails within prescribed timelines. It is feared that a relaxation of these rules would seriously inhibit the movement toward a national standard of decency with

respect to the intent of these provisions. Furthermore, it is feared that a relaxation of the rules will slow the progress being made to make improvements in the discouraging reality the persons of color are disproportionately represented at all levels of the justice system.

**Recommendation #2: Maintain pressure for states to meet JJDPA's present standards.** Keep in place the provision that requires that once a state is determined to be out of compliance with the JJDPA on Disproportionate Confinement of Minority Youth, Deinstitutionalization of Status Offenders and Non-Offenders, Jail and Lockup Removal, or Separation standards – that the balance of their funds must be spent on compliance activities. If that is not possible, then at least require that some substantial majority of the remaining funds be so designated.

It is important to note that the term "*Deinstitutionalization*" can provide certain problems when interpreted in the field. An "institutional" setting, for the purposes of the JJDPA, should refer exclusively to the placement of a youth in a **detention setting** – and this should not be confused with treatment-oriented **out-of-home placements** made for the purposes of providing diagnostically appropriate care within agencies such as Wedgwood.

**Issue #3:** It is important that any legislation involving juvenile justice recognize the complexity of the issues. There are complex issues to contend with that involve public safety, developmental realities of adolescents, principles of restorative justice and public accountability, the reality of failures, and the incredible ability of human beings, even adolescents, to change, learn and grow. A vast array of resources needs to be at the disposal of every state and community, and every juvenile court judge needs to be empowered to act in keeping with the needs of a youth, his/her family, and his/her community.

**Recommendation #3: Increase the amount of flexible funds available in communities.** More money is needed, especially at the local level, for prevention and early intervention services for children and youth at high risk of juvenile delinquency. While it is relatively easy to engage volunteers to provide services to youth at lower levels of risk, children and adolescents in the early stages of delinquent activities are not often easily matched with volunteers. Yet, professionals and paraprofessionals are available, with effective research-based programs and resources like those of the Search Institute that show great promise. We need much more to be spent on effective early intervention services so as to make them readily available for youth in need of guidance and correction.

Also, it should be noted that Wedgwood, along with many other faith-based organizations, are delighted to see an increased recognition of the legitimacy of governmental contracts with organizations such as ourselves. We have been faith-based for our entire 41 years of existence.

One of the rightful concerns of those involved in the charitable choice/faith-based initiative debate has been that of fearing that including such providers might equate to being forced to accept lower standards and a hostile perspective toward governmental regulation. I am here today, Mr. Chairman, to assure you that there are a host of private and charitably minded faith-based organizations which have been providing quality services under contracts with governmental entities for many years. Faith-based does not mean that quality is of no value. In fact, as you have heard through my prior testimony, our faith perspective is the foundation for our ability to strive for excellence for the people we serve.

**Issue #4:** The bill is also to be appreciated for its deliberate attempt to incorporate a wide review of the relevant circumstances that come into play as a court prepares to process a juvenile. Providing for the review of "public welfare records, (including child protective service records) relating to such juvenile" will assist the judge in making more informed decisions as to the appropriate course of action.

**Recommendation #4: Protect identities of protective services reporters in court actions.** In requiring that courts be alerted to the availability of public child welfare records (including child protective service records), care needs to be exercised to prevent the inadvertent exposure of the identities of those individuals who may have reported abuse or neglect to the state protective service agency with a reasonable assumption that their confidence could be maintained. Any report so shared should have the identities of non-relevant persons redacted.

## Summary Comments

I would like to close by thanking the Chair for the opportunity and privilege of addressing the subcommittee today and would gladly respond to any questions that you may have. Thank you very much.

# # #

APPENDIX A

**Information from the Search Institute website:**
http://www.search-institute.org/assets/

**The Asset Model**

The 20 external assets are grouped into the four categories of support, empowerment, boundaries and expectations, and constructive use of time. The 20 internal assets are grouped into the four categories of commitment to learning, positive values, social competencies, and positive identity. The 40 developmental assets (listed by the 8 external and internal categories) are:

***Support***: Family Support, Positive Family Communication, Other Adult Relationships, Caring Neighborhood, Caring School Climate, Parent Involvement in Schooling

***Empowerment***: Community Values Youth, Youth as Resources, Service to Others, Safety

***Boundaries and Expectations***: Family Boundaries, School Boundaries, Neighborhood Boundaries, Adult Role Models, Positive Peer Influence, High Expectations

***Constructive Use of Time***: Creative Activities, Youth Programs, Religious Community, Time at Home

***Commitment to Learning***: Achievement Motivation, School Engagement, Homework, Bonding to School, Reading for Pleasure

***Positive Values***: Caring, Equality and Social Justice, Integrity, Honesty, Responsibility, Restraint

***Social Competencies***: Planning and Decision Making, Interpersonal Competence, Cultural Competence, Resistance Skills, Peaceful Conflict Resolution

***Positive Identity***: Personal Power, Self-Esteem, Sense of Purpose, and Positive View of Personal Future

On one level, the 40 developmental assets represent everyday wisdom about positive experiences and characteristics for young people. In addition, Search Institute research has found that these assets are powerful influences on adolescent behavior - both protecting young people from many different problem behaviors and promoting positive attitudes and behaviors. This power is evident across all cultural and socioeconomic groups of youth. There is also evidence from other research that assets have the same kind of power for younger children."

**Protecting Youth from High-Risk Behaviors**

Assets have tremendous power to protect youth from many different harmful or unhealthy choices. To illustrate this power, these charts show that youth with the most assets are least likely to engage in four different patterns of high-risk behavior, based on surveys of almost 100,000 6th- to 12th-grade youth in 213 towns and cities in the United States during the 1996-97 school year.

| | 0-10 Assets | 11-20 Assets | 21-30 Assets | 31-40 Assets |
|---|---|---|---|---|
| **Problem Alcohol Use** | 53% | 30% | 11% | 3% |
| **Illicit Drug Use** | 42% | 19% | 6% | 1% |
| **Sexual Activity** | 33% | 21% | 10% | 3% |
| **Violence** | 61% | 35% | 16% | 6% |

The same kind of impact is evident with many other problem behaviors, including tobacco use, depression and attempted suicide, antisocial behavior, school problems, driving and alcohol, and gambling.

**Promoting Positive Attitudes and Behaviors**

In addition to protecting youth from negative behaviors, having more assets increases the chances that young people will have positive attitudes and behaviors, as these charts show.

| | 0-10 Assets | 11-20 Assets | 21-30 Assets | 31-40 Assets |
|---|---|---|---|---|
| **Succeeds in School** | 7% | 19% | 35% | 53% |
| **Values Diversity** | 34% | 53% | 69% | 87% |
| **Maintains Good Health** | 25% | 46% | 69% | 88% |
| **Delays Gratification** | 27% | 42% | 56% | 72% |

**Percentages of 6th- to 12th-Grade Youth Experiencing Each Asset**

Here are the percentages of young people who experience each asset, based on surveys of almost 100,000 6th- to 12th-grade youth in 213 towns and cities in the United States during the 1996-97 school year. Twenty-five of the 40 assets are experienced by fewer than half of the young people surveyed.

Testimony of Mark A. Witte
Wedgwood Christian Youth and Family Services
Grand Rapids, Michigan



## External Assets

**Support**

| | |
|---|---|
| 1. Family support | 64% |
| 2. Positive family communication | 26% |
| 3. Other adult relationships | 41% |
| 4. Caring neighborhood | 40% |
| 5. Caring school climate | 24% |
| 6. Parent involvement in schooling | 29% |

**Empowerment**

| | |
|---|---|
| 7. Community values youth | 20% |
| 8. Youth as resources | 24% |
| 9. Service to others | 50% |
| 10. Safety | 55% |

**Boundaries and Expectations**

| | |
|---|---|
| 11. Family boundaries | 43% |
| 12. School boundaries | 46% |
| 13. Neighborhood boundaries | 46% |
| 14. Adult role models | 27% |
| 15. Positive peer influence | 60% |
| 16. High expectations | 41% |

**Constructive Use of Time**

| | |
|---|---|
| 17. Creative activities | 19% |
| 18. Youth programs | 59% |
| 19. Religious community | 64% |
| 20. Time at home | 50% |

## Internal Assets

### Commitment to Learning

| | |
|---|---|
| 21. Achievement motivation | 63% |
| 22. School engagement | 64% |
| 23. Homework | 45% |
| 24. Bonding to school | 51% |
| 25. Reading for pleasure | 24% |

### Positive Values

| | |
|---|---|
| 26. Caring | 43% |
| 27. Equality and social justice | 45% |
| 28. Integrity | 63% |
| 29. Honesty | 63% |
| 30. Responsibility | 60% |
| 31. Restraint | 42% |

### Social Competencies

| | |
|---|---|
| 32. Planning and decision making | 29% |
| 33. Interpersonal competence | 43% |
| 34. Cultural competence | 35% |
| 35. Resistance skills | 37% |
| 36. Peaceful conflict resolution | 44% |

### Positive Identity

| | |
|---|---|
| 37. Personal power | 45% |
| 38. Self-esteem | 47% |
| 39. Sense of purpose | 55% |
| 40. Positive view of personal future | 70% |

Testimony of Mark A. Witte
Wedgwood Christian Youth and Family Services
Grand Rapids, Michigan

U.S. House of Representatives
Committee on Education and the Workforce
Subcommittee on Select Education

**40 Developmental Assets**

http://www.search-institute.org/assets/40Assets.pdf

# Committee on Education and the Workforce

Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

| | | |
|---|---|---|
| Your Name: MARK A. WITTE | | |
| 1. Will you be representing a federal, State, or local government entity? (If the answer is yes please contact the Committee). | Yes | No X |
| 2. Please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1998: I HAVE NOT PERSONALLY RECEIVED ANY FEDERAL GRANTS OR CONTRACTS. | | |
| 3. Will you be representing an entity other than a government entity? | Yes X | No |
| 4. Other than yourself, please list what entity or entities you will be representing: WEDGWOOD CHRISTIAN YOUTH AND FAMILY SERVICES | | |
| 5. Please list any offices or elected positions held and/or briefly describe your representational capacity with each of the entities you listed in response to question 4: WEDGWOOD – ASSOCIATE DIRECTOR OF PROFESSIONAL SERVICES | | |
| 6. Please list any federal grants or contracts (including subgrants or subcontracts) received by the entities you listed in response to question 4 since October 1, 1998, including the source and amount of each grant or contract: PLEASE REFER TO THE ATTACHED PAGES FROM OUR RECENT AUDIT. | | |
| 7. Are there parent organizations, subsidiaries, or partnerships to the entities you disclosed in response to question number 4 that you will not be representing? If so, please list: | Yes | No X |

Signature: Mark A. Witte Date: 6/4/2001

ATTACHMENT p 1 of 2

# WEDGWOOD CHRISTIAN YOUTH & FAMILY SERVICES

## SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS

## YEAR ENDED DECEMBER 31, 2000

| Program Title | Federal CFDA Number | Disbursements/ Expenditures |
|---|---|---|
| **United States Department of Health and Human Services** | | |
| Passed through State of Michigan Family Independence Agency: | | |
| Juvenile Justice Delinquency Reintegration (JJDRA) | 93.658 | $ 66,670 |
| Juvenile Justice Delinquency Prevention (JJDPA) | 16.540 | 41,821 |
| Youth Companion Grant | 93.667 | 32,279 |
| COACH Grant - Michigan Abstinence Partnership | 93.235 | 125,447 |
| | | 266,217 |
| **United States Department of Agriculture** | | |
| Passed through Michigan Department of Education: | | |
| Commodities | 10.550 | 6,000 |
| Breakfast and Lunch Program | 10.553 - 10.555 | 136,713 |
| | | 142,713 |
| Total | | $ 408,930 |

*NOTE 1. BASIS OF PRESENTATION*

The accompanying schedule of expenditures of federal awards includes the federal grant activity of Wedgwood Christian Youth & Family Services and is presented on the accrual basis of accounting The information in this schedule is presented in accordance with the requirements of OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations.* Therefore, some amounts presented in this schedule may differ from amounts presented in, or used in the preparation of the basic financial statements.

ATTACHMENT
P2 of 2

# WEDGWOOD CHRISTIAN YOUTH & FAMILY SERVICES

## SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS

## YEAR ENDED DECEMBER 31, 1999

| Program Title | Federal CFDA Number | Disbursements/ Expenditures |
|---|---|---|
| United States Department of Health and Human Services | | |
| Passed through State of Michigan Family Independence Agency: | | |
| Juvenile Justice Delinquency Reintegration (JJDRA) | 93.658 | $ 96,605 |
| Juvenile Justice Delinquency Prevention (JJDPA) | 16.540 | 90,580 |
| | | 187,185 |
| United States Department of Agriculture | | |
| Passed through Michigan Department of Education: | | |
| Commodities | 10.550 | 7,824 |
| Breakfast and Lunch Program | 10.553 - 10.555 | 133,953 |
| | | 141,777 |
| Total | | $ 328,962 |

## *APPENDIX E -- WRITTEN TESTIMONY OF THE HONORABLE DAVID C. BONFIGLIO, SUPERIOR COURT JUDGE, ELKHART, INDIANA*

*Honorable David C. Bonfiglio*
*Judge of the Elkhart Superior Court VI*
*House Subcommittee on Select Education*
*June 6, 2001*

As a Juvenile Court Referee, Magistrate, and now in my current position, as a General Jurisdiction Court Judge, I have 16 years of experience on the bench hearing cases. For 15 ½ of those years, I heard every case in the county of neglect, abuse, and delinquency of children. More recently, I have begun hearing cases involving adult criminals, civil cases, and dissolution of marriage. My experience also includes eight years serving as a School Board member and two years serving as a front-line probation officer. I have also served as a Board Member of the Elkhart County YMCA for several years. Our county has a population of about 150,000. We are a manufacturing community that is a leader in the production of manufactured housing and recreational vehicles. We also have all the social problems of every American city. I have been asked today to focus on my work as a judge and my insights on how community-based organizations can prevent juvenile crime, as well as my perspective on the role of the court in addressing these juvenile justice issues.

It has been my experience that the majority of the efforts to prevent delinquency are performed by community agencies. They, in fact, make up the broad scope of the juvenile justice system. Our Indiana Supreme Court states, "Today's Juvenile Code provides a comprehensive framework for meeting the needs of troubled children in our state, employing the juvenile court not only as adjudicator of legal responsibility but also as administrator of probation, detention, and many related child and family social service programs." I believe that it is only when the community as a whole perceives that it has a joint role with the courts

and law enforcement that delinquency prevention and successful interventions can be accomplished.

Most of the time, the Juvenile Court must function like an emergency room in a hospital. That is, a horrible accident has occurred and the patient needs life-saving, very expensive services. To prevent such an accident saves the life and enormous human and financial cost. In the Juvenile Court, most of the children that come through the door have severe problems and delinquent behavior as a result of years of neglect and/or abuse. To prevent delinquency, we must prevent the abuse or neglect of children. Programs such as Healthy Families pair at-risk parents at birth with a mentor that can assist and educate the new parent to promote successful interactions within the family.

In our community, Child Abuse Prevention Services, a private not-for-profit community agency administers this program. They also operate the Elkhart County Child and Family Advocacy Center, which provides Child Protective Services, Law Enforcement, and the Prosecutor's Office with a comprehensive center in which age-appropriate interviews by highly trained professionals of abused and neglected children are conducted. If children who are abused or neglected do not receive effective interventions, problem behavior will result in the home, school, and community. They will become tomorrow's juvenile delinquents and the next day's criminal defendants.

While on the school board, I was interviewed by an agency hired by the State Department of Corrections. It was their responsibility to determine how many beds the state would need in its Department of Corrections. Their tried and true method that had been successfully used in other states, was to determine the number of 2nd graders who where at-

risk. From that number, they could extrapolate a reliable number of beds that would be needed in the next 20 years for the state. Criminals do not happen; they are created.

I have also learned that abused and neglected children, who do not receive effective interventions, will repeat the same mistakes with their children. One area in particular that this phenomenon of repeating behavior appears to hold true for, is child sexual abuse. In my tenure on the juvenile delinquency court bench, every adolescent sex offender had been sexually victimized sometime in his or her life. If the cycle is not broken by effective intervention, it will be repeated.

Not every child that acts out delinquently in school or in the community is a victim of abuse or neglect. However, there are a high percentage of children that have such a background. Other children are at-risk because of the influences of alcohol abuse, illegal drugs, criminal gangs, and violence in the environment in which they reside. Our Youth Service Bureau, another not-for-profit community agency, provides early intervention services for incorrigible, runaway, and truant children and youth. What should be remembered is that many runaways are running from physical or sexual abuse. This agency in conjunction with the Court established a Teen Court with federal delinquency prevention dollars for first time offenders. The Youth Service Bureau utilizes interventions that build on family strengths. They effectively divert hundreds of children a year out of the formal delinquency system who do not re-offend.

Building on families' strengths is a concept is essential if we are to prevent and control juvenile delinquency behavior. The process that embraces this concept is more formally known as Wraparound. This intervention method works for both prevention and intervention. It can help prevent children and families from becoming abuse, neglect, and delinquency

statistics, by utilizing the concepts at the early warning signs. It works well as an intervention model even for the most severe cases of abuse, neglect, or delinquency. Our community mental health provider, Oaklawn Community Mental Health Center provides the Court and community agencies with Wraparound Coordinators and Resource Facilitators that implement wraparound plans. United Way of Elkhart County and the Elkhart County Community Foundation have supported the establishment of this Wraparound Process. The essential elements of a wraparound plan are: (a) to build on the family's strengths, (b) to develop short- and long-term goals, (c) to have a crisis plan, and (d) to form a Child and Family Team that includes family, friends, church members, (in other words the "natural" support system of the family) and the necessary professionals. In many situations, part of the problem is that the family has no support system. When this is the case, one is created for the family. Sometimes Wraparound Plans cost money to provide in-home case management and therapy. However, it reduces the cost of out-of-home placements of children, which are extremely expensive. In our community we went from a $3.7 million deficit in our 1997 residential care budget, to a $400,000 surplus in 18 months by utilizing Wraparound Concepts. Not only is it cost effective, it works well to preserve families and to treat children who need out of home placement within therapeutic foster homes, rather than institutions.

The Balanced and Restorative Justice Models are the hallmark of our delinquency intervention efforts. Another not-for-profit agency, the Center for Community Justice is at the heart of these programs. The Juvenile Reparations Program requires offenders to make reparations to their victims, the community, and themselves. The latter idea being that the offender also damages themselves, in addition to the victim and community. Nearly every juvenile offender in our community completes community service restitution under the

supervision of this community agency. They also facilitate our Victim Offender Reconciliation Program wherein every offender must meet with their victim(s), at the victim's discretion, to apologize and work out restitution if any is due.

The Juvenile Accountability Block Grant dollars available in our community have been pooled by agreement of all the county recipients. These monies are being used for an intervention program for some of our most severe delinquents, as well as a secondary program to address prevention. The first program links law enforcement, schools, probation, and the prosecutor by computer to track the behaviors of the most severe adjudicated delinquents. It is through a high level of accountability that serious offenders can be developed into responsible citizens. It also assures community safety by the high level of structure and accountability in the offender's life. Through our intensive cognitive restructuring day treatment program, delinquent youth learn how thought processes have led them into illegal behaviors. These processes are replaced with healthy, functional thought processes that lead to successful lives. The Quest software system is used in this program. The second program under the direction of the Youth Service Bureau provides prevention and early intervention programs utilizing wraparound concepts.

The one issue that overarches the issue of delinquency, all crime in general, and the abuse and neglect of children is alcohol and other drug abuse. It has been my personal experience that 80-90% of the cases involve the use of alcohol and/or other drugs in some manner. The most effective tool I have found in successfully fighting the most serious of these problems is the Drug Court model. The youth with the most severe problems (some who have been using since the ages of 8 and 9 years of age) are seriously addicted. These children steal, burglarize, and deal to support their drug habits. We established a Drug Court in 1998. The

Drug Court model requires the offender to appear before the Court at a minimum of two times a month. As Judge, I would receive a brief report from the substance abuse treatment provider, the Probation Officer, and any other treatment providers, such as the cognitive restructuring program or a substance abuse residential program (this was developed to assist the most seriously addicted offenders). If the offender was doing well, he or she would be congratulated and goals were set for the next reporting period. If he or she were experiencing problems the issues could be immediately addressed. Consequences for inappropriate behaviors would come quickly and this assisted the offender to get back on the recovery track. This model provides a high degree of accountability combined with intensive developmentally appropriate treatment. The accountability needed in the community was augmented with law enforcement officers that would visit the offender and family in their homes. It takes nearly a year to complete Drug Court and the relationship developed between the offender and the Judge is the key to success. The offender knows the Judge has the ultimate authority and that the Court will not give up on the offender, unless a further crime is committed. As Judge, I would get to know these young offenders. It was truly amazing to see their personalities, social skills, and educational abilities flourish as they progressed in treatment.

To prevent delinquency, we must have thoughtful plans for children that take their developmental level into consideration. To intervene early in a child's life at the first sign of trouble is essential. However, well-planned programs, which take into consideration the youth's developmental issues, can be successful at any age. In a release last week, the Office of Juvenile Justice and Delinquency Prevention announced the results of a study commissioned by the YMCA of the USA, finding that those youth left unsupervised from the hours of 3:00 p.m. until 6:00 p.m. are more likely to engage in risky behavior. The survey, *After School for*

*America's Teens,* finds that 59 percent of teens are left unsupervised after school at least one day in a typical week. And those teens are more likely to drink alcohol, smoke cigarettes and engage in sexual activity, nearly three times as likely to skip classes at school. In fact, compared to teens that are supervised, they are also three times more likely to use marijuana or other drugs. The survey also found that unsupervised teens are four times more likely to be D students than teens supervised every day. The survey's findings reinforce my belief that teens who are supervised are more successful – they get better grades in school, and participating in afterschool programs helps protect them from at-risk behaviors.

The Elkhart YMCA, as well as others across the country, specializes in character building, recreational, and social activities, which keep youth out of trouble. A local program that our YMCA participates in is the Tolson Center After School Program, which targets at-risk youth. This after school program utilizes study time, recreation, and skill building activities. This program also models one of the most important aspects of accomplishing anything in a community--collaboration with other youth serving agencies. Success can be built by interweaving private agencies, schools, government, and churches.

I feel that the key ingredients for successful prevention programs are as follows:

1) A connection with the child on an individual basis. The child must know that an adult or older youth understands, cares for and has concern about his or her well-being. It can be a toddler who needs a sense of safety or a teen who needs someone to trust. It is also fundamental in prevention work that the agencies which deliver the services, are willing to modify how and where services are delivered to meet the needs of the child and family.

2) Life skills training. There are a wide variety of curricula available to teach coping and refusal techniques to our youth, which can be interwoven into almost any program or educational setting. One of the best examples is the Healthy Communities/Healthy Youth-40 Developmental Assets initiative. Research from the Search Institute shows that incorporation of these assets into programs significantly reduces delinquency. Our local YMCA Director has been instrumental in bringing the Developmental Assets dialogue to the forefront in our community.

3) Skill development for parents. It should be our goal to instill in every parent the knowledge needed to successfully parent a child, whether it is a newborn or a difficult teenager. The knowledge and confidence that the parents are in charge and the child requires structure and discipline could cut delinquency significantly. Parents need to know that it is acceptable and even admirable to ask for help when it is needed. Furthermore, if you think you need help, you really do need it. I have seen many parents wait too long to seek help. The longer a problem exists the worse it becomes. Easy access to services for children and families is essential. Having great programs and services available in every community is an important step, but people need to know they are available and easily accessible.

4) Recreational and social activities. Recreational programs that give children a safe place to learn physical and social skills are helpful ingredients to delinquency prevention. Youth need not only a physically safe environment, but an emotionally safe one as well, to grow and develop.

Collaboration between the Juvenile Court and the agencies I have mentioned, as well as, our local Boys and Girls Club and Lifeline Programs, have led to the creation of a community continuum of care for children and families, which includes primary and secondary prevention.

In a community our size, competition for funding can bring conflict and overlap of programs. However, through the exercise of leadership, this conflict can be turned into collaboration. We have faced those turf battles and for the most part have won. There is plenty for everyone to do and we can and are so much more effective when we work together. My involvement in developing that continuum of care involves identifying the gaps and bringing people together to initiate change. Sometimes it also means making a systemic change in the way things have always been done. Moreover, it means defining a vision and persuading others that it is the right path to take. I have been fortunate to work in a community where the agency heads, civic and governmental leaders are willing to try new ways of doing things. I have never had to stand alone to make change.

Fortunately, Indiana has adopted in substantial part the American Bar Association Model Code of Judicial Ethics that allows Judges to advocate for the improvement of Justice. One of the first ethical lessons I learned in my first year on the Juvenile Bench was that I needed to be a voice to improve the system for children. The National Council of Juvenile and Family Court Judges have provided our nation's Juvenile Judges with the tools to do this work.

As I mentioned earlier, it's important for any community organization that wants to assist with these problems to be flexible in a number of ways. Although, agencies must be willing to collaborate in many areas, it is also important to determine the best structure that reflects the needs of the segment of society that will be served. As an example, when I first

began in juvenile court, our probation department was open 8 a.m. to 4 p.m. everyday. Well, most of our parents worked in those hours and the kids were in school, which created a problem. Therefore, we changed to flexible hours and remained open 2- 4 nights a week. Furthermore, Probation Officers visited youth at school. Thus, concessions were made to benefit families.

The most significant issue is the identification of problems and the connection between families with the services that are available. The Juvenile and Family Court is an excellent place to make those connections. When children and/or parents enter the justice system for any reason, there should be a short assessment to determine if they would benefit from prevention and intervention services within the community. Many of these children and youth do have contact with the justice system before they are delinquent through Dissolution of Marriage, adoption, guardianship, and/or criminal behavior of their parents. Identifying these children prior to further contact in court and connecting them with prevention services would reduce their involvement in delinquent behaviors. A unified Family Court which hears all cases involving children with sufficient resources to meet those children's and families' needs, should be the goal of every community with each community designing what would work best for their community.

If we are to be successful as a community and as a nation in controlling crime, it will be by addressing the needs of children in a thorough manner. Much has been accomplished, yet much remains to be done. I encourage support for this legislation and thank-you for the opportunity to address the committee.

## *APPENDIX F -- WRITTEN TESTIMONY OF DOMINIC P. HERBST, PRESIDENT, BETHESDA FAMILY SERVICES, WEST MILTON, PENNSYLVANIA*

## INTRODUCTION

Chairman Hoekstra and Members of the Subcommittee on Select Education,

I want to express my appreciation to you for giving me this opportunity to testify before you regarding a matter of extreme importance to everyone in this country: The reduction of juvenile crime by "healing the hearts and changing the lives" of the troubled youth in America.

There has rarely been a darker hour for our youth. Many of them have struggled from the very beginning in families that have not provided the nurturing and support they needed as infants and children. In the majority of cases, their fathers have gone away and the love from their mothers has grown cold. For many, their homes could be described as war zones rather than havens of rest. The youth of America are angry from being betrayed by some of the most important people in their lives, their caregivers. Many are intoxicated with rage. While this does not excuse their behavior, it does explain it.

Consider the three most dangerous places in our country that are affected by juvenile crime:

- Our cities where we live
- Our schools where we learn
- Our homes where we love

Of those three, the most dangerous is the home according to most statistics:

Family violence now affects over three million children every year (famvi.com). The research underscores the fact that family violence begets juvenile violence and crime.

An Old Testament prophet put it this way over 2700 years ago:

"For the son dishonors the father, the daughter rises up against her mother, the daughter-in-law against her mother-in-law; a man's enemies are the men of his own house." (Micah 7:6). This point is underscored even more when one considers that several of the most publicized trials in history of our nation's court system included the Menendez brothers who killed their parents and Susan Smith who killed her children. It is a sad reality that today in America, "A man's enemies are the men of his own house." Bethesda Family Services Foundation and Bethesda Day Treatment Center were created to respond to juvenile crime and violence by engaging the offender and his family in the powerful process of emotional healing and personal reconciliation with one another.

**THE HISTORY OF BETHESDA**

My career started almost twenty-five years ago (1977) as a crisis intervention caseworker appointed by the juvenile court judge to work with youth and families in crisis. That position was funded by the Pennsylvania Commission on Crime & Delinquency through formula grant funds that originated from the Office of Juvenile Justice and Delinquency Prevention.

Two years later (1979) as the Chief Probation Officer of the 17th Judicial District in Central Pennsylvania, I requested seed money from formula grant funds once again to develop an Alternative Education Program to begin serving four school districts in Central Pennsylvania. That program received a national award in 1982 and now twenty years later serves literally hundreds of expelled students from sixty-three school districts in Pennsylvania, many of which would have been numbered as drop out statistics, if not for Bethesda. One reason for Bethesda's success is that the Alternative Education

Program was established with a no-suspension, no-expulsion policy. Even the most aggressive youth need to know that there is someone who will never give up on them.

A year later (1983), a one-year sub-grant from formula grant funds in Pennsylvania provided the seed money for the first Bethesda Day Treatment Center. That program expanded to serve eight counties throughout Central Pennsylvania and achieved national model status in 1990. Today the Pennsylvania Bethesda Day Treatment Program serves over four hundred youth daily from sixteen counties and ten program centers including Philadelphia.

## A BRIEF DESCRIPTION OF THE BETHESDA PROGAM MODEL

### BETHESDA FAMILY SERVICES FOUNDATION
### "COMMITTED TO HEALING AMERICA'S FAMILIES"

Bethesda Day Treatment Center and its parent organization, Bethesda Family Services Foundation, are committed to addressing the relational needs of troubled youth and families throughout our nation. Statistics uniformly reveal that the number of delinquent youth and distressed families in our country is increasing at an alarming rate. In order to stop the cycle of conflict that has brought so much violence into our cities, schools, and homes, the methods of intervention must be both powerful and effective. The unique strategies and comprehensive systems-approach developed by Bethesda to transform the lives of troubled youth are revolutionizing the approach to treatment in our country.

The following background history of the Bethesda Day Treatment Program will be helpful in understanding how our techniques were developed. As the Chief Probation Officer in Central Pennsylvania for eight years, it was my desire to develop a

community-based program that was both time intensive and clinically sound. The Bethesda Day Treatment Center was born out of this vision in December of 1983 and shortly thereafter I resigned as Chief Probation Officer to manage the program. Our small private nonprofit corporation began with two full time and two part time staff serving 15-20 juveniles and their families in Central Pennsylvania. After eighteen years the Bethesda Program has since evolved into ten centers throughout rural and inner city Pennsylvania (including Philadelphia) and our program has been recognized as a national model for over ten years by the Office of Juvenile Justice. With our success came a variety of state and national awards including Best Community-Based Program in the Commonwealth of Pennsylvania conferred by the Pennsylvania Juvenile Court Judges' Commission and the Pennsylvania Council of Chief Juvenile Probation Officers. In 1995, Bethesda was awarded a grant from the Office of Juvenile Justice and Delinquency Prevention to proceed with a national replication initiative. Throughout this growth period, Bethesda was featured on four national television documentaries including *Victory Over Violence* hosted by Walter Cronkite and *BAD DADS* hosted by George Foreman both of which were produced by Arnold Shapiro Productions.

Our success lead to the development of the Bethesda Family Services Foundation which now oversees programs in Florida, Oklahoma, Maryland, Texas, Arizona, South Carolina, Minnesota and Pennsylvania. This expanded growth is based on Bethesda's ability to develop effective treatment systems and transmit them to therapeutic and direct care staff through intensive training and live "hands on" demonstrations. These systems are interwoven into Bethesda's five-fold menu of integrated treatment programs: day treatment, alternative education, family systems counseling, drug and alcohol treatment,

and short term foster care.

- ***Day Treatment*** refers to our intensive after school, evening, and weekend program that operates during nontraditional hours (Monday through Friday
- 2:30 - 7:30 p.m. and Saturday 8:00 a.m.- 2:00 p.m.). This program includes eighteen different modalities of service including group, individual, parental and family counseling; life skills/job skills; physical activity, tutoring, to mention a few.
- ***Alternative Education Program*** operates during the normal school day (8:00 a.m. - 2:30 p.m.) and maintains a *no suspension/no expulsion* policy. The Alternative Education Program offers a truly individualized educational alternative to the public school classroom. More than sixty-three public schools in Pennsylvania are purchasing educational services from Bethesda. The Alternative Education Program and the after school day treatment program combine for twelve hours of intensive intervention for each youth Monday through Friday and includes transportation to and from the program. The after school hours are modified on Wednesdays to allow caseworkers to conduct in-home visits and family counseling for their clients every week. This "lost" time is then made up on Saturday between 8:00 AM to 2:00 PM.
- ***Family-Systems Counseling*** is the most effective form of intervention utilized by Bethesda. Family-Systems Counseling addresses the root and causal factors of the youth's antisocial behavior patterns by identifying the origin of his rage in order to lead him to the place of personal victory and emotional healing. Further discussion of this systems approach utilized by Bethesda will be addressed later in

this document.

- ***Substance Abuse Outpatient Counseling.*** Bethesda's Substance Abuse treatment program is our fourth program module. Bethesda Day Treatment Center is licensed by the Pennsylvania Bureau of Drug and Alcohol Programs to conduct outpatient services to delinquent youth and family members who exhibit substance abuse patterns. This treatment module is essential for a program that promises to address all the primary behavioral and clinical needs of its clients. Bethesda has been successful where others have failed to sustain adolescent substance abuse and alcohol groups because of its comprehensive networking in the community. Bethesda intensively penetrates the home, school, community, and peer group of every youth referred for treatment and thereby enables these groups to maintain success throughout the treatment process.
- ***Short Term Foster Care.*** When necessary, certain youth are removed from their homes to be placed in short-term foster care in order to de-escalate potentially volatile situations at home. This program module is licensed by the State Department of Public Welfare and maintains the goal for the youth's re-entry back to the natural home, after family reconciliation has been achieved.

All five of Bethesda's program modules are carefully integrated to bring about a synergistic impact within the treatment milieu. The entire program has a much greater impact when the caseworker, the teacher, the substance abuse counselor, the foster care coordinator, and the family-systems counselor are working in harmony under the same umbrella of services. This ensures that each youth will achieve victory over his antisocial behavior and healing for his damaged emotions at an

accelerated rate.

The four primary meta goals that are embraced by Bethesda's Systems approach are known as *Bethesda's Four R's*.

- ***Retribution*** requires each client to take accountability and accept responsibility for his offenses,
- ***Restitution*** requires an apologetic message and a monetary return to the victim(s),
- ***Reconciliation*** involves in-home family sessions which bring forth disclosure of painful memories that lead to relational healing in the home, and
- ***Restoration*** within the family and to the community results from the client's responsible completion of all treatment goals while enrolled in the program.

If these meta goals are achieved the fifth *R* (recidivism) is not expected to occur.

Bethesda's comprehensive program with its five-fold menu of services combined with its time intensive approach of 60 hours of weekly intervention sets it apart from other community-based models in the country. However, Bethesda's real success is found in its unique systems approach to treatment.

Bethesda recognizes the need to first control the behavior of each youth if the method of treatment is to be effective. To accomplish this our *Normative System* is designed to establish the daily behavioral structure for those youth referred for treatment. In order for this system to be successful, all direct care staff must have an understanding of the Normative Systems concepts and its method of application. Just as system structure is effective in bringing about positive change in the lives of troubled youth, so it is that system breakdown will hinder the potential for positive change. The normative structure brings peace, safety, and behavioral compliance to

the whole environment of the agency. The Normative System teaches the juveniles how to appropriately govern themselves and how to govern one another. The staff are taught that to maintain dignity during discipline, they are to shape the will of the youth without bruising his spirit. It converts negative peer energy to positive peer influence and places the burden of change upon each youth, which is precisely where it belongs. As the impact of the Normative System unfolds there is a genuine staff-to-client bond that develops much like the trust and cohesion in a healthy family. There is no greater approach to juvenile accountability and preparation for release to mainstream society than the normative system of self-governance. Every juvenile participates in a built-in mentoring process conducted by both staff and peers. Also true leadership development is occurring on a daily basis as the system is put into place. It is not long before the youth themselves become invested in their own community of self-governance.

The second primary system of treatment is Bethesda's method of *Family Systems Counseling* that has demonstrated a convincing track record for bringing about lasting change in the hearts and lives of troubled youth. Bethesda's unique method of family counseling engages the whole family in a well-defined process of relational healing and reconciliation. The reason this is essential to treatment is because broken relationships with the most important people in one's life often lead to internal bitterness and rage that accelerates the offending pattern. This rage must be cleansed from the emotions, if the troubled youth is to achieve lasting change in his life. This method of counseling is both strategic and sequential, as it carefully leads each client through the steps of personal victory and emotional healing. Bethesda's training

manual and videotaped training sessions provide powerful insights into the proper applications of family systems counseling. Training teams also provide on-site demonstrations of actual counseling sessions to ensure that each counselor understands the complete process of treatment and emotional healing. In short, the Normative System provides the mechanism for external control within the group's environment while the Family System addresses the need for internal healing within the hearts and lives of the troubled youth.

Our Alternative Education Program is also carefully designed as a unique system of individualized education for those youth who have failed in the public schools. The structure and strategy ensures a completely individualized approach to academic success. Once established, the school becomes an orderly and peaceful learning environment for each youth and creates a safe and secure environment that is essential to develop a trust between staff and clients. If youth do not feel secure or have faith in the safety of the system, they will remain withdrawn and refuse to deal with the pain in their lives. By placing troubled youth in a structured and individualized learning environment, real academic success and emotional growth can be achieved. Their faith in education is quickly restored through academic success and they are anxious to return to the public school mainstream.

This explains why Bethesda's systems are now being utilized in community-based programs, secure residential facilities, group homes, and detention centers throughout the country. These systems bring about unity and cohesion among staff while significantly reducing the risk to staff and their clients. Effective systems of structure and counseling create an atmosphere that is conducive to disclosure of painful

memories that might otherwise keep these youth in the bondage of emotional distress. Troubled youth instinctively want to be helped, but not without the assurances that there is hope for victory and healing in their lives. Furthermore, they must trust the methods presented by the counselor. The systems approach allows for the treatment to be conducted in a cooperative and systematic manner thereby removing the confusion that often disrupts the lives of both staff and clients alike. Everyone knows what is expected of himself and others. It removes confusing ambiguities and stumbling blocks that hinder forward progress. It allows each one to easily monitor his journey toward the goal of positive change. Furthermore, it places the responsibility for that change upon each individual, which is where it needs to be. Everyone is taught to be accountable and responsible for his actions. Of course, all of this is amplified by the appropriate sanctions and rewards established within the Normative Process on a daily basis.

These powerful systems require hands-on assistance from Bethesda's top trainers. Bethesda's training team methodology is unique to any other in the country. With the combined expertise of several decades of experience, the Bethesda teams have developed a strategy that is designed to equip professional and direct care staff to work in total harmony with one another. Bethesda trains staff to recognize and prevent potential problems before they occur. This is why an ongoing and supportive relationship between trainers and program staff was incorporated into the strategy for implementation. It removes the frustrations that so often hinder effective implementation of the treatment process. This is a cost-effective investment that ensures that Bethesda remains heavily involved during systems application and less

involved throughout the refining process. It unifies both casework and clinical staff in their efforts to facilitate change at an accelerated rate. The desired outcome is to have every staff member working in harmony to facilitate the same goals within the same structure. Bethesda Family Services Foundation looks forward to sharing its successful treatment methods with many more facilities throughout the United States in the years ahead.

Our vision for replication began in 1995 with ten cities throughout the country. Having exceeded that goal, Bethesda is challenged by a vision to reach 100 cities into 2000 and beyond. Thus far the number of cities and towns where Bethesda has been implemented exceeds 43 locations not including the 63 school districts in Pennsylvania.

## THE IMPACT OF OJJDP ON BETHESDA'S SUCCESS

The Pennsylvania Day Treatment Program is our flagship program and received an OJJDP's Administrator's grant to expand into Philadelphia in 1993. In 1995 that program received the best community based award in the State from the Pennsylvania Juvenile Court Judges Commission.

In 1994 through 1996, Bethesda's powerful approach to emotional healing was featured on a number of national Television documentaries including:

1994 – *Victory Over Violence* hosted by Walter Cronkite, produced by Arnold Shapiro

1994 – *Breaking the Cycle of Violence,* produced by the National Educational Services Foundation

1996 – *Bad Dads* hosted by George Foreman, produced by Arnold Shapiro

The success of the original Bethesda Day Treatment Program that now serves over four hundred youth in sixteen counties in Pennsylvania opened the door for national replication of the Bethesda Model beginning in 1995. The OJJDP Administrator authorized a one-year grant to replicate the Bethesda Program in Ten Cities throughout the United States. That goal was exceeded and the Bethesda Program now operates in a variety of venues in eight states with three more targeted in the year ahead.

Bethesda's first Juvenile Mentoring Program was opened in Florida in 1999 from OJJDP funds. All monies to seed the Bethesda Program and many of its expansions came originally from OJJDP allocations/either directly or through formula grant funds into the state of Pennsylvania. All of these programs were sustained by other funds after the first year. Bethesda's ability to leverage local and state funds for on-going contracts is the evidence of its truly effective approach to changing lives.

## RESEARCH AND EVALUATION

According to the first outcomes report on Bethesda, only 10.4% of the juveniles discharged reoffended within the first year. This represents almost a 90% success rate for this population.

The Program Development and Evaluation System (Pro DES), through Peter R. Jones, Ph.D., and Philip W. Harris, Ph.D., recently conducted an in-depth evaluation of the Bethesda Day Treatment Center. They reviewed juveniles entering the program during a four-year period, 1994 through 1997.

The 1996 cohort of Bethesda clients had a recidivism rate of 28% that included both "in program" and "post program" data. This is 6% lower than the average of 34% for all other day treatment programs involved in the research.

Most notably is that only 19% of those youths who successfully completed the Bethesda Program received new petitions in Family Court within six months following discharge. This represents an 81% success rate with some of the most aggressive delinquent offenders from the City of Philadelphia.

When the Bethesda Systems Model of accountability and emotional healing are utilized in residential programs, they are capable of transforming the facility from a crisis environment to a safe environment for both youth and staff. One of the most compelling measures that confirmed that point is the dramatic reduction in client restraints after the systems are in place. One facility in Oklahoma reduced their restraints by 50% in the first six months, then again by 80% in the second half of the year. Another facility reduced their restraints by 72% in the first year. This dramatically reduced client injuries, staff injuries, child abuse charges against staff, and state investigations. The power of healing the heart cannot be under estimated.

**COMMENTS ON HB 1900**

HB 1900 is a masterful blueprint for addressing the needs of troubled youth and families throughout the next decade. It has sufficient diversity to provide for the creativity that is required to engage every type of juvenile offender. I believe the sponsors and those who assisted in drafting this bill are to be commended for their high level of expertise. I could not think of one area of focus that was missed as I reviewed it.

Nevertheless, I would like to make one suggestion:

A number of my colleagues and I are in agreement that the Office of Juvenile Justice and Delinquency Prevention has developed and established one of the most comprehensive research programs in the country. As the hub in the center of a multi-

spoked wheel connected to virtually every Juvenile Justice venue in the country, they have gathered and disseminated research better than any other agency to date. Please do not take the responsibility of research and dissemination from them. To do so, could set us back years in understanding what programs work and what programs do not.

OJJDP has done an outstanding job over the years in developing research on juvenile justice issues, focusing on children and youth, and using this research in the development of intervention programs and strategies. It is very important that the integration of basic research, evaluation, statistics, and program development are maintained within OJJDP, something that HR 1900, as introduced, does not do.

In my view, one of OJJDP's greatest accomplishments has been in integrating research, program development, evaluation, training and technical assistance, and information dissemination. Its work in this regard has long been lauded for its objectivity, relevance, and practicality by other researchers, policy makers, practitioners, and Congress. OJJDP has closely coordinated its juvenile justice research and evaluation with other OJJDP programs to avoid duplication and overlap and to feed it into OJJDP's cycle of activity, whereby the research results can be disseminated to the field and used to drive new program development. The contracting out of any of these functions will run the risk of making OJJDP's research less relevant and OJJDP's programs less scientifically based. The close integration of these activities can best be ensured if they remain housed together.

Also, it is imperative to keep the Federal juvenile justice program separate from the Federal criminal justice program. It would be a step back for the field of juvenile justice to begin combining juvenile and criminal justice programs, particularly research

and evaluation which serves as the foundation for all of OJJDP's work. The recognition of the differences between the two systems, it's clients (offenders), and practitioners, coupled with the fact that juvenile justice research, statistics, and programs were not being well served by the previous LEAA criminal justice program, prompted the creation of OJJDP in the first place.

Two examples of the integration of research, statistics, and program development are:

First, OJJDP pioneered a successful delinquency prevention program that was a product of the tight integration of basic research and program development conducted at the Assessment Center of Delinquency Behavior and Its Prevention, initially funded by OJJDP in 1976. After three years of reviewing studies of delinquency and program evaluations, the Assessment Center's program development work resulted in a theoretical model of delinquency prevention, the Social Development Model. Based on that model, the Seattle Social Development Project was implemented and tested, successfully preventing delinquency and adolescent violence. The "Communities That Care" community empowerment model that many states are now implementing under OJJDP's Title V Prevention Program grew out the Social Development Model and the Seattle Social Development Project. Technical assistance and training are provided by OJJDP to support risk- and protection-focused prevention. Having OJJDP fund and coordinate the basic research and program development/testing has resulting in one of OJJDP's most effective prevention approaches.

Second, OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders is a product of the Office's research, statistics, and program

development work. Results from OJJDP's Program of Research on the Causes and Correlates of Delinquency (longitudinal studies in Denver, Pittsburgh, and Rochester) support it. Approximately 18 States are implementing the Comprehensive Strategy framework and making research-based, data-driven, outcome-focused juvenile justice systems a reality. OJJDP also provides the technical assistance and training that is so critical to this effort. Four states have incorporated it into juvenile justice reform legislation. In turn, issues identified in the course of implementing the Comprehensive Strategy-- for example the identification of protective factors at different developmental states, or understanding risk factors and developmental pathways for very young offenders--has led to current analyses being conducted by the Causes and Correlates project.

An integrated office also has several practical advantages. Juvenile justice practitioners at the state, local, and Federal levels know that OJJDP is the best source of information for all juvenile justice matters. That is a great advantage to the broad juvenile justice field. The practitioners' needs in this regard should be served first and they are best served in an integrated organization. Maintaining the research and statistics function in an integrated program office ensures the priority and focus that should be placed on juvenile justice issues.

## Summary and Recommendations

### Closing

Chairman Hoekstra and distinguished members of the sub-committee on Select Education, I want to thank you for giving me this opportunity to testify before you today. I believe few would disagree that the issue of juvenile justice is of the highest priority during this hour of our country's history. I have submitted my written testimony for your

review. Inasmuch as my time of sharing is brief, I hope that you will carefully read my written testimony as validation for the points I am about to set forth.

**History of the Bethesda Program**

In 1983, it was formula grant funds from Office of Juvenile Justice and Delinquency Prevention (OJJDP) that were awarded from the Pennsylvania Commission on Crime and Delinquency that gave birth to the first Bethesda Program in Central PA. Prior to that award, I received formula grant funding in 1977 to begin a family crisis intervention program and another grant in 1980 to establish one of the first alternative education programs in Pennsylvania. These two programs gave birth to the vision for the first Bethesda Day Treatment Program implemented in 1983. There were to follow five more one year allocations from OJJDP throughout the nineties which allowed Bethesda to evolve into 10 program centers in PA serving 16 counties, 63 school districts and over 400 youth every day. Beginning in 1995, Bethesda began expansion and replication of its model into other states. Now we are providing our method of emotional healing to thousands of juvenile offenders and their families in eight states.

Bethesda was careful not to maintain a dependent relationship upon OJJDP. Our commitment was that if they provided the seed money, we would leverage the local or state funding needed to continue the programs indefinitely. The seed money they provided combined with outstanding technical assistance from OJJDP and PCCD has allowed Bethesda to heal the hearts and change the lives of many troubled youth in our country. Clearly, OJJDP has had a profound influence upon the creation and expansion of the Bethesda Program.

**The Bethesda Formula for Success**

1. Programs in and of themselves do not change lives; they merely contain lives. In order to change a life you must change the heart. Therefore, it is important to discern whether a given program offers "snake oil" or "healing oil". Bethesda is not satisfied with simply containing their youth in a program for a given period of time. Our focus is to penetrate the hearts of the juvenile offenders to help them heal their emotions from the anger that controls them.
2. The Program must adopt a policy of no suspension and no expulsion, unless the juvenile is petitioned on new charges and must be escalated in the disposition process. The most aggressive offenders need to know that there is someone in their lives who refuses to give up.
3. The Program must actively pursue after those youth who run away from and resist accountability. The Bethesda program deploys search and recovery staff who are trained to intensively penetrate the home, the school, the community and the peer group of the youth.
4. The most successful programs have clear and effective strategies that are adopted by the agency, clearly set forth in writing and thoroughly transmitted to all therapeutic and direct care staff. These strategies must be simple in method, yet profound in their impact to be easily understood by the clients being served.
5. If a given program does not have the ability to diagnose the juvenile's problem or lacks the tools and skills to intervene, this is a formula for disaster. The Bethesda Program has developed a two-systems model complete with blue print manuals to provide the framework and strategy for application in all of its programs. These

are not program descriptions, they are therapeutic strategies that unite the complete team of staff and equip them with the ability to create a safe environment for the juvenile offenders. This is the best way to facilitate the emotional healing needed in their lives. Bethesda teaches that "pain concealed is pain unhealed" in the life of a juvenile offender. If that pain is not addressed through healing, the juvenile offender will go down the Road of Hurt-Hate-Harm. When he is offended, if he does not heal the wound from the offense, first he will hurt, then he will hate and finally he will harm others (or himself).

6. That is why it is not enough to educate the minds of troubled youth; we must also focus upon healing their hearts. This is achieved through our "Four Steps to Emotional Healing" as follows:

**FOUR STEPS TO EMOTIONAL HEALING**

The following is a brief explanation of the ***"Four Steps to Emotional Healing,"*** the journey taken by each program participant:

1. *Admission and Grieving (The Autobiography)* – The first step toward victory and healing, after a primary relationship has broken down, is admission and grieving. It begins with the victim being truthful with himself by admitting that he truly feels the pain of having been offended, even if it occurred years before. What follows is the natural process of grieving the pain from primary relationships that were broken through betrayal, rejection, abuse, etc. As the pain pours out, healing begins to pour in. Grieving purifies as it washes the inner man and restores sensitivity to the soul.
2. *Confrontation and Disclosure (The Letters)* – The victim is now ready to confront his painful past and the offender(s) who contributed to it. This process begins with a series of assignments which are set forth in letter format by the victim to his parent(s)

and/or offender(s). The assignments are designed to restore the victim, not the offender. The opportunity to confront the offender, even when it is years later, provides the victim with vindication from false guilt and shame. The final stage of confrontation and disclosure requires the victim to take accountability for his offenses of retaliation toward his own victim(s).

3. *Forgiveness and Reconciliation (The Family Covenant)* – This third stage requires a purposeful decision on the part of the victim to let go of the bitterness and rage that previously owned him. It is giving up his perceived right of vengeance against the offender. He is not surrendering to the offender, but rather the bitterness he feels toward the offender. As long as the victim embraces his desire for vengeance, he is controlled by the feelings that accompany it. This allows the offender to continue offending him in his heart. Instead of his feelings owning him, he begins to take ownership over his feelings, which will eventually be evidenced in his behavior. The choice to forgive is always difficult but only this decision will bring genuine emotional healing to the victim and those around him.
4. *Restoration and Healing (The Rebuilding Plan)* – After the victim has progressed through each of the three previous steps to healing, he is now restored with his past and within his emotions. He makes a contractual commitment to release his offender(s) and move forward toward rebuilding his current relationships. This results in emotional and relational healing. It is impossible for one with tormented emotions to maintain peaceful relationships for any extended period of time. The pain will always spill over into his personal and social life. However, when the bitter toxins are drained away and the fiery rage has been quenched, a new life emerges - a

life with stability and peace. The worldview of this person is dramatically changed and those around him will attest to his transformation.

Respectfully Submitted,

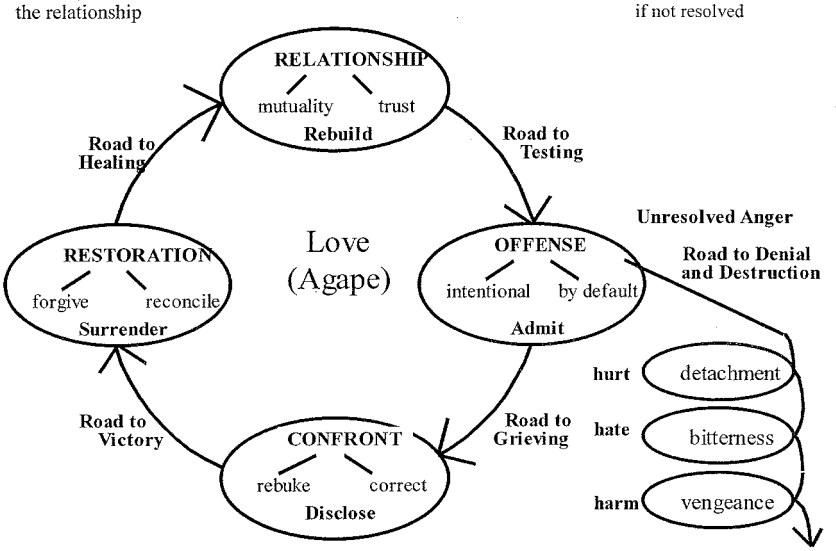
Dominic P. Herbst
Founder and President
Bethesda Family Services Foundation

Or visit us on the Web at www.bfsf.org

# BETHESDA FAMILY SERVICES FOUNDATION
# RELATIONSHIP SEQUENCE CHART

**Pro-Active**
**Sequence**
Cyclical
builds/fortifies
the relationship

**Reactive**
**Sequence**
Spirals downward
after offense
if not resolved




| PRO-ACTIVE RELATIONSHIP | REACTIVE RELATIONSHIP |
|---|---|
| Love and Affection | Bitterness and Hate |
| Emotional Bonding | Detachment and Alienation |
| Intimate Sharing | Lack of Intimacy |
| High Trust Level | Repeated Broken Trust |
| Emotional Security/Stability | Confusion and Insecurity |
| Support for One/Another | Exploitation of One/Another |
| Healthy Interaction | Back Biting |
| Expressed Affection | Frozen Emotions |
| Minimal/Manageable Conflict with Quick Resolution | Frequent/Intense Conflict without Resolution |
| Open Communication | No Communication |
| Strong Family Ties | Broken Family Structure |
| High Respect for One/Another | Defiance Towards One/Another |
| Home: Haven of Rest | Home: War Zone |

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# Committee on Education and the Workforce

Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: Dominic P. Herbst

| | Yes | No |
|---|---|---|
| 1. Will you be representing a federal, State, or local government entity? (If the answer is yes please contact the Committee). | | X |

2. Please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1998:

None

| | Yes | No |
|---|---|---|
| 3. Will you be representing an entity other than a government entity? | X | |

4. Other than yourself, please list what entity or entities you will be representing:

1. Bethesda Family Services Foundation, Inc.
2. Bethesda Family Services Foundation of Maryland, Inc.
3. Bethesda Day Treatment Center, Inc.

5. Please list any offices or elected positions held and/or briefly describe your representational capacity with each of the entities you listed in response to question 4:

1. President
2. Past President
3. Chairman, Past President, Past Director

6. Please list any federal grants or contracts (including subgrants or subcontracts) received by the entities you listed in response to question 4 since October 1, 1998, including the source and amount of each grant or contract:

1. Juvenile Mentoring Program - March 25, 1999
   $200,000
   From Department of Justice, Office of Justice Programs, Office of Juvenile Justice & Delinquency Prevention

| | Yes | No |
|---|---|---|
| 7. Are there parent organizations, subsidiaries, or partnerships to the entities you disclosed in response to question number 4 that you will not be representing? If so, please list: | | X |

Signature: Dominic P. Herbst Date: 6/1/01

Please attach this sheet to your written testimony.

## *APPENDIX G -- WRITTEN OPENING STATEMENT OF CHAIRMAN PETER HOEKSTRA, SUBCOMMITTEE ON SELECT EDUCATION, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES*

OPENING REMARKS

THE HONORABLE PETE HOEKSTRA
CHAIRMAN
SELECT COMMITTEE ON EDUCATION

HEARING ON
"JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 2001"
(H.R.1900)

I welcome you all today to a hearing on the juvenile justice system and how the federal role in that system can be strengthened and improved. The next step following this hearing will be to mark up H.R.1900, move it through the full Education and the Workforce Committee and then to the Floor of the House.

The 105th and 106th Congresses approved similar juvenile crime bills but they died in conference. It is my hope that we can address any remaining concerns so that the reauthorization of the Juvenile Justice and Delinquency Prevention Act can become law.

This year my colleague, Jim Greenwood has introduced H.R.1900 the "Juvenile Crime Control and Delinquency Prevention Act of 2001" which mirrors the bipartisan bills previously passed by the House. I

want to thank Jim and his staff for their hard work in bringing this bill forward once again.

According to the Federal Bureau of Investigation (FBI), juveniles accounted for 17% of all arrests and 16% of all violent crime arrests in 1999, and there were 2.5 million arrests of persons under the age of 18. Although those numbers are far to high, there have been some encouraging signs in the last five years. In 1999, for the fifth consecutive year, the rate of juvenile arrests for violent crime index offenses – murder, forcible rape, robbery, and aggravated assault— declined. As a result the juvenile violent crime arrest rate in 1999 was the lowest in a decade.

However, we must not be complacent. Too many young people get involved in criminal activity, and we must do all we can to continue the downward trends of the past five years.

Our witnesses today represent years of experience working in the juvenile justice system at federal, state and local levels. I look forward to your testimony as we address the federal role in improving the

juvenile justice system and give maximum flexibility to states and local communities in preventing and reducing juvenile crime.

***APPENDIX H – WRITTEN TESTIMONY OF RICK MUNIZ, HOLLAND REPRESENTATIVE ON THE MICHIGAN COMMITTEE ON JUVENILE JUSTICE, HOLLAND, MICHIGAN***

DATE: June 14, 2001

TO: Congressman Pete Hoekstra and the Select Education Subcommittee of the House Education and the Workforce

FROM: Rick Muñiz, Holland representative on the Michigan Committee on Juvenile Justice

RE: HR 1900, the Juvenile Crime Control and Delinquency Prevention Act of 2001

I am a member of the Michigan Committee on Juvenile Justice, appointed by Governor John Engler. I was recently reappointed for my sixth consecutive two-year term on the Committee, and I am proud to serve as the only representative from the lakeshore area of West Michigan, and the only principal. The Committee serves as the State Advisory Group for the state of Michigan, providing oversight to the distribution of Title II and Title V funds for the prevention of delinquency.

I was pleased to hear that HR 1900, the Juvenile Crime Control and Delinquency Prevention Act of 2001, was now being considered by the Select Education Subcommittee.

I would like to offer my comments to enter as part of the hearing record, for consideration as the bill is reviewed.

As a member of the State Advisory Group for Michigan, I have seen first hand what a positive difference can be made when a community bands together to form a coalition which supports delinquency prevention. Innovative programs have emerged as a result of the distribution of delinquency prevention funds, with positive results that have been documented through intense evaluation of prevention programs throughout the state.

While I am pleased to see the continued strong support for such prevention efforts in HR 1900 through the establishment of a Prevention Block Grant Program, my concern is that there appears to be a diminished role for three entities that have been key to the success of delinquency prevention programs here in Michigan and throughout the United States. These include the State Advisory Groups (Michigan Committee on Juvenile Justice), the Coalition for Juvenile Justice (the national association of State Advisory Groups), and the Office of Juvenile Justice and Delinquency Prevention.

HR 1900 would see to it that a strong tradition of curtailing adolescent problem behavior would continue through the establishment of the

Prevention Block Grant Program.

As a member of the State Advisory Committee, I and other youth advocates throughout the state of Michigan have proudly taken on the responsibility of reviewing requests for federal prevention dollars. We have directed the state Office of Juvenile Justice to provide technical assistance to communities as they gather data and form coalitions to identify their greatest needs as a community.

As a State Advisory Group, we have also provided communities with proven strategies and programs from throughout the country for delinquency prevention in areas supported by HR 1900 including mental health, substance abuse, educational failure, learning disabilities, at-risk children, abused and neglected children, home placement over incarceration, gender-based programming and other pro-active prevention projects.

Providing the oversight which allows communities to tailor their prevention programming to the needs of the youth in their community has been the hallmark of the Michigan Committee on Juvenile Justice. However, it may be a legacy which is discontinued if the role of State Advisory Groups is not spelled out in the HR 1900 bill.

The reason the State Advisory Groups of all states have been so effective is that (1) they represent a diversity of constituents across their states and (2) the State Advisory Groups receive technical assistance from the National Coalition of Juvenile Justice, the national association of State Advisory Groups. It is directly through the efforts of the National Coalition of Juvenile Justice, that committee members such as myself, receive firsthand information regarding the types of prevention programs across the United States, which have proven to be effective, and the community collaboration, which must take place to see a project through fruition. We in turn pass this knowledge on to both our local juvenile program providers, and to communities across the state that apply for delinquency prevention funds.

As with the State Advisory Groups, if the role of National Coalition of Juvenile Justice is not spelled out in HR 1900, we may lose that much needed entity of advocacy which makes prevention efforts so successful across the United States.

I am proud to say that delinquency prevention programs in the area of Holland, Michigan and Ottawa County have been highlighted following evaluation by the federal Office of Juvenile Justice and Delinquency Prevention, and demonstrated to be model programs for delinquency prevention, gender based programming and studies of minority

overrepresentation in the juvenile justice system. It is through the efforts of the Office of Juvenile Justice and Delinquency Prevention and the National Coalition of Juvenile Justice that such successful programs have been documented in such a fashion as to allow for replication in other parts of the state and nation.

The Michigan Committee on Juvenile Justice has benefited tremendously by the research and evaluation efforts of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). However, these efforts may be at-risk if the role of OJJDP is altered in HR 1900. In HR 1900, the OJJDP appears to lose the autonomy and independence needed to effectively conduct research, evaluation and statistical data gathering which has enabled states such as Michigan to make better decisions regarding delinquency prevention programming.

Again, the resources made available through HR 1900 strengthen our nation's efforts to deter juveniles from problem behavior. However, the following suggestions may assist us to maintain local input into decisions regarding prevention funding, and continue to provide State Advisory groups , such as the Michigan Committee on Juvenile Justice, with the expertise that is needed to provide guidance to our local communities.

(1) Preserve the State Advisory Group in its present form and composition that gives the Governor power to appoint or remove State Advisory Group members, and provide that State Advisory Groups, such as the Michigan Committee on Juvenile Justice, continue to oversee and make grant recommendations for the Prevention Block Grant Program in addition to Title II formula grant funding.

(2) Maintain the Coalition for Juvenile Justice as the national association of state advisory groups.

(3) Preserve the autonomy and independence of the Office of Juvenile Justice and Delinquency Prevention to conduct research, evaluation and statistical data gathering on juvenile justice issues and programs.

Should you require any additional information or input, please contact me at (616) 394-4791 or (616) 836-5549. My home address is 68 E. 22nd Street, Holland, Michigan 49423.

Thank you for this opportunity to provide input.

***TABLE OF INDEXES***

Chairman Hoekstra, 18, 19, 20
Judge Bonfiglio, 14, 20, 27
Judge Grossman, 7, 8, 22, 26, 27
Mr. Greenwood, 2, 25, 26, 27, 28
Mr. Herbst, 16, 18, 23, 24, 27
Mr. Mulvey, 10, 21, 23, 27
Mr. Regier, 5, 22, 24, 25, 26
Mr. Roemer, 4, 20, 21, 22
Mr. Scott, 22, 23, 24, 25
Mr. Witte, 12, 19, 27
Vice Chairman Tiberi, 1, 3, 5, 7, 10, 12, 14, 16, 18, 20, 25, 28