THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON HEALTHY FAMILIES AND COMMUNITIES

COMMITTEE ON EDUCATION AND LABOR

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

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THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Tuesday, September 18, 2007
U.S. House of Representatives
Subcommittee on Healthy Families and Communities
Committee on Education and Labor
Washington, DC

The subcommittee met, pursuant to call, at 10:07 a.m., in room 2175, Rayburn House Office Building, Hon. Carolyn McCarthy [chairwoman of the subcommittee] presiding.

Present: Representatives McCarthy, Clarke, Kucinich, Sarbanes, Altmire, Yarmuth, and Davis of Tennessee

Also Present: Representatives Scott and Bishop of New York.

Staff Present: Aaron Albright, Press Secretary; Tylease Alli, Hearing Clerk; Denise Forte, Director of Education Policy; Lamont Ivey, Staff Assistant, Education; Deborah Koolbeck, Policy Advisor for Subcommittee on Healthy Families and Communities; Ann-Frances Lambert, Administrative Assistant to the Director of Education Policy; Robert Borden, Minority General Counsel; Cameron Coursen, Minority Assistant Communications Director; Kirsten Duncan, Minority Professional Staff Member; Taylor Hansen, Minority Legislative Assistant; Susan Ross, Director of Education and Human Services Policy; and Linda Stevens, Minority Chief Clerk/Assistant to the General Counsel.

Chairwoman MCCARTHY. I am calling the committee to order. The quorum is present. The hearing of the subcommittee will come to order.

Pursuant to committee rule 12(a), any member may submit an opening statement in writing, which will be made part of the permanent record. Before we begin, I would like everyone to take a moment to ensure that their cell phones and BlackBerrys are on silent.

I would now like to ask unanimous consent to allow the distinguished gentleman from Virginia, Mr. Scott, and the distinguished gentleman from New York, Mr. Bishop, to be allowed to join us on the dais today and participate in the hearing. Without objection, so ordered.

I now recognize myself, followed by Congressman Davis from Tennessee, for an opening statement.

I want to thank all of you for being here today for our hearing on the Juvenile Justice and Delinquency Prevention Act. Today, we will continue our research and education as we work towards the

reauthorization of JJ. As it is with elementary and secondary education, the Federal Government's role in juvenile justice is to create a guiding framework, or incentives, for the States. The States then work within that framework to implement their own juvenile justice systems through laws and regulations. For us, there are issues to explore as we work to craft a framework for the States that will work to benefit our young people and, ideally, to prevent them from being incarcerated.

Today, we will seek an understanding of the nexus of the child welfare system and the juvenile justice system. Previous hearings have made it clear to us that these two systems do not intersect, and yet, they often fall short of helping each other or even communicating with each other with the challenges to foster a complete system of care for our young people so that we can divert them away from the JJ system or get them an education and proper care while in the JJ system.

Along those same lines, we will explore the connection of mental health for the JJ system, again, in looking at both the care of youth in the JJ system but, more importantly, in the prevention of youth suffering from mental health issues from entering the system.

Critical to the experience of the young person in the JJ system is the judge who presides over the case of the young person. The decisions made by the judge determine the future of the youth, an immense responsibility. We need to understand how judges function within the framework of JJDPA and what alternates judges have to incarcerate based on their State laws and regulations.

Each of us on the subcommittee is committed to helping the young people of our Nation, and they need our help. We are not meeting the needs of our Nation's young people very well. For example, many are afraid to go to school for fear of being bullied, and children get lost in the mental health systems that are meant to help or to protect them. Today, we will explore how to improve the JJ system, but I think we all agree that prevention and addressing needs on the front end will do much, if not more, to improve the juvenile justice system.

Again, I want to thank you for being here today, and I look forward to your testimonies.

I now yield to Congressman Davis from Tennessee for his opening statement.

Prepared Statement of Hon. Carolyn McCarthy, Chairwoman, Subcommittee on Healthy Families and Communities

Thank you for being here today for our hearing on the Juvenile Justice and Delinquency Prevention Act. Today we will continue our research and education as we work towards the reauthorization of JJDPA.

As it is with elementary and secondary education, the federal government's role in juvenile justice is to create a guiding framework or incentives for the states. The states then work within that framework to implement their own juvenile justice systems through laws and regulations.

For us, there are issues to explore as we work to craft a framework for the states that will work to benefit our young people and, ideally, prevent them from being incarcerated. Today we will seek an understanding of the nexus of the child welfare system and the juvenile justice system.

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Today we will explore how to improve the juvenile justice system, but I think we all agree prevention and addressing needs on the front end would do much if not more to improve the juvenile justice system.

Again, thank you for being here today. I look forward to your testimonies.

Mr. DAVIS. Good morning. Thank you for joining us for another hearing on the Juvenile Justice and Delinquency Prevention Act.

Chairwoman McCarthy, I am pleased that we are continuing our focus on improving the juvenile justice system.

We know that investing in prevention methods now will save substantial resources in the future. I am pleased to see a diverse panel of witnesses that can provide us firsthand knowledge of the juvenile justice system, describe how the Federal law is administered at the State level and provide insight as to which programs are working efficiently and which ones need improvement. One of the most important things that we can do as legislators is to craft legislation that prevents juvenile delinquency and encourages healthy child development. Although I recognize the aggressive fall agenda the majority is planning, I am hopeful that we will produce a bipartisan reauthorization bill before the end of this year.

Finally, I would like to thank all of the panelists for being with us today.

With that, I yield back to Chairwoman McCarthy.

Chairwoman MCCARTHY. Thank you, Mr. Davis.

Without objection, all members will have 14 days to submit additional materials and questions for the hearing record.

I will now yield to my colleague, Mr. Bishop, to introduce our first witness, the Honorable Deborah Kooperstein. Go ahead.

Mr. BISHOP OF NEW YORK. Well, first, let me thank Chairwoman McCarthy for giving me this honor and for yielding to me, and I will say that it is a true honor to have the opportunity to introduce my friend and colleague Deborah Kooperstein to this committee.

Judge Kooperstein is the first female judge in the history of Southampton Town. She was first appointed to that position in 1993 and has subsequently been reelected to that position three different times. As a judge, Judge Kooperstein has been an innovator. She has made several changes to the court system, including instituting a law student intern program, installing a Spanish interpreter in the courtroom, and she authored a successful grant proposal to hire advocates for victims of domestic violence. She also has been appointed by the deputy administrative judge to preside over one of two drug courts, handling cases for the five east end

towns in something called the East End Regional Intervention Court, and I have had the honor of attending one of the graduation ceremonies of that drug court, and I can attest that it has worked, really, in a remarkable fashion in terms of dealing with that segment of our population, and the leadership that Judge Kooperstein has provided has truly been inspiring.

So it is a pleasure to welcome you to Capitol Hill. It is a pleasure to see you again. I look forward to your testimony.

Thank you, Madam Chair. I yield back.

Chairwoman MCCARTHY. Thank you, Mr. Bishop.

Next, I would like to yield to my colleague from Pennsylvania, Mr. Altmire, to introduce our next witness, the Honorable Kim Berkeley Clark.

Mr. ALTMIRE. Thank you, Madam Chair.

I am honored to have the opportunity to introduce the Honorable Kim Berkeley Clark of Pittsburgh, Pennsylvania. Judge Clark has served in the Allegheny County Court of Common Pleas since her appointment in March of 1999. Currently, she is the administrative judge of the Family Division in Allegheny County. Prior to this position, Judge Clark served as the supervising judge of the Family Division's juvenile court. In her capacity as a juvenile and family court judge, Judge Clark has been appointed to a variety of committees and boards relevant to today's discussion, including Pennsylvania's Domestic Relations Rules Committee, the Pennsylvania Juvenile Court Judges' Commission, and the Governor's Commission on Children and Families.

In addition, Judge Clark recently ended her term as President of the Allegheny County Bar Association where she was the first African American woman to serve as president. Prior to serving on the Allegheny County Court of Common Pleas, Judge Clark was an assistant and deputy district attorney in Allegheny County for almost 16 years. While in the District Attorney's Office, Judge Clark headed the Crimes Persons Unit, which handled all of the sexual assault and child abuse cases in Allegheny County. As an assistant and deputy district attorney, Judge Clark tried over 150 jury trials, including the first gang-related and drive-by shooting homicide cases in Allegheny County. Judge Clark is a frequent lecturer, speaker and panelist on the subjects of child abuse, sexual assault prosecution and juvenile law. She has clearly the wealth of experience to address this committee today, and I am pleased that she has taken time from her job to join us today.

Thank you, Madam Chair, for the opportunity to introduce Judge Clark.

Chairwoman MCCARTHY. Thank you, Mr. Altmire.

Our next witness, Ms. Janet Garcia, comes to us from the Office of the Governor of Arizona. Mr. Grijalva wishes he could be here. We were actually upstairs, working on Leave No Child Behind, but he is also a chairperson of a subcommittee, and that is where he is.

Let me say at this particular point, too, many of the members care passionately about this issue, and we have members sitting here today who are on the full education committee, and they asked to sit here. So, even though it looks sparse up here, believe

me, all your words and your testimony have been read because it is something that we do care about.

Anyway, Mr. Grijalva wishes he could be here to introduce you, but he is chairing another hearing at this time.

Ms. Garcia is the Deputy Director of the Governor's Division of Children, which works to promote a coordinated and integrated system of care for children, young people and families. Furthermore, the division also oversees the juvenile justice program. We look forward to learning of Arizona's work in coordinating its child welfare system and the juvenile justice system.

Our next witness is Dr. Weisman, who will share with us her extensive experience and enterprise working on mental health issues surrounding young people in the juvenile justice system. In her current position, she oversees all medical and behavioral health services contained or permitted in Washington, D.C. She has served in many director positions as a mental health expert and in court cases and has authored papers on the mental health needs of incarcerated individuals and their conditions of confinement as they impact the mentally ill. We expect to learn from you about what we can do to improve the juvenile justice system in regard to mental health.

Next, we will hear from Dr. Steve Aos. He is the Assistant Director of the Washington State Institute for Public Policy in Olympia, Washington. His expertise is in cost benefit analysis to be used in both the public and private sectors. Today, he will share his work on examining aspects of the juvenile justice system and the challenges and the results from States which have implemented some of his recommendations. We will look forward to learning how he can help States implement evidence-based research into policy from you.

Our final witness, Anne Marie Ambrose, is here today to share Pennsylvania's work on its JJ system. Ms. Ambrose, a 13-year advocate for young people at the JJ system, currently is responsible for the operation of four regional offices which serve various public and private child welfare and juvenile justice needs. She will share with us the forward steps that Pennsylvania has taken to address delinquency and other aspects of the JJ system.

For those of you who have not testified before this subcommittee, let me explain our lighting system. Split between you, you will see a lighting system that is going to be green, yellow and red. It is a shame that we can only, really, hear your testimony for 5 minutes, because I know you have a lot more, and the same will go for the members. We have 5 minutes to ask questions, and after that, I give a little bit of leeway. You know, I will do a light tap with my nails. If I have to, I will go to the hammer, and I do not like doing that, so I do not have to say anymore about that.

We will now hear from our first witness, Judge Kooperstein.

STATEMENT OF HON. DEBORAH KOOPERSTEIN, ADMINISTRATIVE JUDGE, SOUTHAMPTON, NY

Judge KOOPERSTEIN. Good morning. Thank you very much for inviting me, Congresswoman McCarthy. It is an honor for me. I am a town justice. For those of you who do not know what that means, I am a part-time town justice. I practice law when I am not sitting

on the bench, and I have been doing this for 14 years. I am considered a judge interested in problem-solving courts. I know my time is precious, but Congressman Davis, I cannot resist telling you that I am a Lady Vols' season ticketholder and go down to Knoxville at least twice a year.

Mr. DAVIS. Thank you.

Judge KOOPERSTEIN. In any event, I have been asked to talk about the East End Regional Intervention Court and our youth court and why they dovetail.

I am an adult court criminal court judge. However, in New York State, New York State defines an "adult" as someone 16 years of age, and frankly, I believe that classification causes difficulties for that teenage offender. I have on my docket at least three dozen 16-, 17- and 18-year-olds charged with serious crimes, most of them involving drugs. I have been very fortunate to have had the opportunity to start this East End Regional Drug Court because so many of those teenagers really need the supervision that weekly appearances before a judge provide with drug testing every single day if necessary.

Now, why that is important is because they are children even though they are not juveniles within our State system. Why do I say that dovetails with our youth court? Because, this year, we redefined and reorganized our youth court. We have a youth bureau in our town of Southampton now, which administers the court, but for the first time, the judges are involved, so we follow what is known as a "restorative justice model," a problem-solving court.

So there are real cases being heard by these teenage jurors who are being prosecuted by these teenage prosecutors and who are being defended by teenage defense attorneys, and they are mostly going to be drug cases. In the past, we really had just quality of life cases in this court, but it turned into something—although valuable as an exercise, it really was a moot court competition. Now it is a real trial situation, and they are dealing with juveniles who have probation officers, these cases are referred from Probation, and I think it is very, very important to see how these problem-solving courts can help. We have a DARE program that ends in the 6th grade, and then in those very critical junior high school years, these children are left to drift. With a combination of our youth court that is operating now and doing very, very well and our East End Regional Drug Court which has graduated a number of teenagers with heavy, heavy drug charges against them, I see real progress in our town. Congresswoman McCarthy knows this, that we have not had one person who graduated from our drug court rearrested in over 3½ years, and although our pool is very small, 28 graduates, I think it shows that, if you have a judge who is actively supervising any court, be it a juvenile court or an adult court, and you have accountability and you can reach defendants who are charged with nonviolent crimes, you are going to have results.

The combination of intensive rehabilitation, supervision, accountability, and a judge, I believe, is a combination that brings good results. For me, supervising the youth court this year and being one of the East End Regional Intervention Court judges is truly the best part of my job, and my law firm where I practice 2 out of 3 weeks has been very supportive of me, and I am allowed to go

every Tuesday afternoon and preside. Although, this Tuesday, I explained that I believed it was more important for me to come down here and speak to you. So we will be testing our defendants today, and I will get the report on my BlackBerry, but I thought, today, if I could get your ear and tell you that with very few resources—and I am talking about a budget of our youth court of $3,000 a year and a budget of our East End Regional Drug Court of $45,000 a year—you get results, results that last, and I have many people in my drug court who I have put in jail before. 17-year-olds tell me they started using when they were 11 or 12. They are the best source of information for me.

I want to thank you very much for your time and attention.

Chairwoman McCarthy. Thank you, Judge Kooperstein.

[The statement of Judge Kooperstein follows:]

TESTIMONY OF JUDGE DEBORAH KOOPERSTEIN

Chairman Miller and members of the Subcommittee on Healthy Families and Communities, my name is Deborah Kooperstein and I am here today in my capacity as the Administrative Judge of the Southampton Town Justice Court. Thank you for giving me the opportunity to testify at this hearing entitled, "The Juvenile Justice and Delinquency Prevention Act." during National Youth Court Month. My comments will consist of a narrative describing two problem solving courts that operate within my jurisdiction, the Town of Southampton, and the Five East End Towns of Long Island. They are the Southampton Youth Court and the East End Regional Intervention Court (EERIC), a Drug Treatment Court. These courts both handle cases of teenage defendants, stress accountability, require a guilty plea or admission of guilt prior to acceptance into the program, operate on the principles of restorative justice in order to prevent recidivism and both operate on a shoestring budget. The Youth Court Budget for the period October 2006 to September 2007 was $3,000.00 which did not include staff salaries or transportation costs. The EERIC annual budget is $45,000.00 for the salary of the coordinator.

The Southampton Town Youth Court was established twelve years ago, funded through a grant from the New York State Division of Criminal Justice Services. Employees of the Town Attorney's office staffed the program outside of their regular working hours. The Town continued to provide funding at a reduced level; there is scant recorded history of these early years.

In 2001, the Town established a Youth Bureau which became responsible for the Youth Court budget. Employees of the Town Attorney's office continued to manage and staff the program. From 2002 through 2005, the Youth Court trained 13 to 15 young people each year and heard at least 2 cases per year. During that time, the Human Services Department staff salaries began to be paid from the revenue generated by the Town Justice Court. The Southampton Town Justice Court is the busiest, highest volume Town Court in the State of New York with revenues of $2,200,000 for calendar year January 2006 to December 2006.

In 2006, the Youth Bureau decided to refocus the mission and program of Youth Court which was functioning more like a Mock Trial program. The Youth Bureau reached out to and involved local officials involved in juvenile justice, and neighboring Youth Court programs. The Youth Bureau sought the counsel and expertise of the National Association of Youth Courts, the New York State Association of Youth Courts and the New York State Division of Criminal Justice Services. As a result, the mission was reordered and the following goals were set to provide restorative justice and social services:

2.

1) to hear more cases of young offenders guilty of misdemeanors as well as violations and infractions,
2) to place more emphasis on restorative justice rather than the trial process,
3) to offer social services and support to offenders referred to the program,
4) to continue the relationship and involvement with the offenders post trial,
5) to increase the number of local youth participating,
6) to accept referrals from the Suffolk County Probation Department of current probationers

The cases from Probation are real actual Penal law Violations and/or Misdemeanors of first time offenders. They range in age from 11 years to 16 years of age; the student volunteers are students enrolled in grades 9 through 12 in the high schools with in the various school districts of the Town. These students complete 9 weeks of training in trial procedures. They learn proper court room demeanor, general principles of court room protocol and the nuts and bolts of trying a criminal case. They are taught how to prepare and make opening and closing statements, question a witness on direct, cross-examine a witness, and question a hostile witness. In addition, every student is taught to play the roles of everyone in the courtroom: the Judge, the jurors, the Court Officer, and the Court Clerk. The offenders who participate are called respondents and are currently under the supervision of a Suffolk County Probation Officer. The offender/respondent has previously admitted guilt and the Youth Court trial is a review of the case and a sentencing mechanism. The sentencing ranges from a written apology or a public apology to hours of Community Service or a day or spending several days with me in Criminal Court or EERIC Drug Treatment Court.

This year's Youth Court began in October 2006 and ran until September 2007. The trials took place on Wednesday evenings in the main court room in the Southampton Town Court. The trials were presented to a jury comprised of 6 to 9 jurors. One parent was required to be present at the trial of their child and required to testify under oath. Each offender and volunteer was required to sign a Confidentiality Agreement, anyone found guilty of violating its terms and conditions is removed from the Youth Court with a report forwarded to their Probation Officer. (See Agreement forms attached) 6 trials took place and consisted of the following crimes: 3 cases of shoplifting, 2 cases of the Misdemeanor Criminal Mischief and the violation of Trespass, and 1 case of the Misdemeanor Criminal Possession of a Controlled Substance. 4 offenders were female; 2 offenders were male. These offenders came from varied socio-economic backgrounds, from poor families, wealthy families and recently arrived immigrant families. All have successfully completed their sentences. These sentences are the basis of a report that is

3.
sent back to the Probation Office. 2 offenders remained active in Youth Court after completing their sentence. All offenders and their families went through an assessment process with the Youth Bureau Counselor at the completion of the program. On September 19, 2007, at Bellport High School Auditorium, Southampton Youth Court will participate in Mock Trial Presentations with other Youth Courts from neighboring towns.

In February, 2004, the East End Intervention Court (EERIC) Drug Treatment Court officially opened its doors after two years of lobbying, planning and the completion of judicial training and certification. Since that day, EERIC has held three graduations and graduated 24 drug free participants between the ages of 18 and 52. To date the recidivism rate is ZERO. The current docket has 28 participants from all five of the Towns on Eastern Long Island which are Southampton, Riverhead, East Hampton, Shelter Island and Southold. These participants range in age from 17 to 42, with criminal charges of Petit Larceny, possession of heroin, cocaine, crack cocaine, illegally obtained prescription drugs like the opiates vicodin and percocet. The annual budget is funded by the New York State Office of Court Administration which pays the $45,000 salary of the sole staff member a resource coordinator, provides testing kits and bus passes. The Towns of Southampton and Riverhead have each budgeted $10,000 for the costs of additional training provided by the National Association of Drug Court Professionals. The two Judges who preside, and the alternate Judge, all volunteer their time. EERIC is a combination of treatment and criminal court; the Judge is a member of a team which consists of the aforementioned coordinator, a Probation Officer, an Assistant District Attorney, a private defense Attorney, the Legal Aid Bureau Chief, and various treatment providers. The decision to admit a defendant into EERIC is a team decision. The participant must have been arrested and charged with a drug related crime to be considered for acceptance into EERIC. He or she must sign a detailed contract (Sample attached), be represented by counsel, plead guilty to a lesser charge with an agreed upon sentence if they complete the 1 to 2 year program and graduate and an agreed upon sentence if they leave the program prior to graduation.

EERIC is an adult drug court whose purpose is to 1) achieve abstinence from substance abuse among non-violent substance abusing offenders 2) through continuous, intense judicially supervised treatment, mandatory periodic supervised drug testing, community supervision and the use of sanctions. The following benchmarks were designed to achieve the goal of abstinence:

1) combining and integrating drug treatment services with the formality of the justice system in a courtroom setting,
2) using a non-adversarial approach by the prosecution and defense to reach the addict and assist their recovery,
3) identifying and placing eligible participants as early as possible into the diversionary Drug Court (EERIC) program,
4) providing continuous access to drug treatment and rehabilitation services

4.

EERIC convenes every Tuesday in a courtroom at the Southampton Justice Court and every Thursday in the Riverhead Justice Court. I preside in Southampton and Judge Allen Smith presides in Riverhead although we have been granted jurisdiction to sit in either location and handle cases referred from the other Towns on the East End of Long Island. There is a team meeting held before the Court proceedings begin. At that meeting the team discusses each participant's most recent drug test results (administered one hour before), their participation in mandated treatment, their performance at work or school and any other aspects of their life that are germane. If the drug tests results are clean and the participant is in compliance they are given a new Court date; if the drug test results are dirty, then unless the participant admitted to using during the week, sanctions are not only discussed but put in place that day by the Judge. In addition to the weekly Court sessions, the entire team consisting of the two Judges meets each month with a written Agenda to discuss the new participants and share our thoughts and ideas (Copy of May 15, 2007 meeting attached).

EERIC has a pool of teenage participants quite similar to the participants in the Youth Court. The New York State Criminal Justice System classifies any person 16 years of age or older as an adult. As a result, immature adolescents are charged, processed, and prosecuted within a larger, hardened population of repeat offenders. Both Courts follow the restorative justice model instituted by the first New York Drug Treatment Court opened in Rochester in 1995.

EERIC has shown statistically and anecdotally that high levels of accountability and judicial discretion yield high levels of effectiveness. To illustrate that conclusion, I repeat, that to date after over 3 years of operation not one of our graduates has been re-arrested. This is remarkable because even the youngest graduate, a nineteen year old had an extensive criminal history as an adult and prior juvenile arrests. At this point, the new Youth Court model has not operated long enough to have assembled sufficient data to support a lack of recidivism. However, the new model of Youth Court is clearly on the path to success because its goals are congruent with the East End Regional Intervention Court (EERIC) which has a proven record of success.

In closing, 1) I ask you to read the 3 local newspaper articles I have attached. One pertains to the regional Youth Courts; 2 concern the EERIC program; and 2) I thank you again for your interest in the problems confronting our adolescents and in the Courts designed and dedicated to solving those problems.

Respectfully submitted,

Deborah Kooperstein

Judge Deborah Kooperstein
Southampton Town Justice

SOUTHAMPTON TOWN YOUTH COURT
116 Hampton Road
Southampton, NY 11968
(631) 287-5734 ext. 147
FAX (631) 283-7529

YOUTH COURT PROGRAM
RESTORATIVE JUSTICE PROGRAM
Karen Hurst, LMSW
Coordinator

Southampton Town Youth Court Confidentiality

Southampton Youth Court proceeding are closed and confidential. All members must maintain the confidentiality of the court and act within high moral standards.

I solemnly swear or affirm that I will not divulge either by words or signs any information which comes to my knowledge in course of Youth Court case presentation and that I will keep secret all said proceedings which may be held in my presence so help me God.

Name (signature)	Role In Courtroom
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

I have been advised of what the Southampton Youth Court is and how it works. I am admitting my guilt to the offense and I am willing to appear before youth court, present my case and accept those consequences assigned to me by the jury. *If I fail to complete my sentence in the time requested, I understand I will be referred back to the referring agency.*

Signature: _____ Date: _____

As the parent/guardian of _____, I understand that I must also appear in Youth Court and will be asked to testify.

Signature: _____ Date: _____

As part of your sentencing you will need to be apart of the Youth Court jury a minimum of one time. The jury will determine the exact number of jury duty sessions you will need to attend. In order to prepare for jury duty you will need to go to http://www.ycyouth.net/training/default.asp . Click on register to take the lessons. The Volunteer Access Code is **75455**. Once you have completed the training and have taken the test, I will receive your score via e-mail. Once I receive the score, you will be given a date to appear for jury duty. If you have any questions please call Mrs. Hurst, 702-2425.

Signature: _____ Date: _____

SOUTHAMPTON TOWN YOUTH COURT
116 Hampton Road
Southampton, NY 11968
(631) 287-5734 ext. 147
FAX (631) 283-7529

YOUTH COURT PROGRAM
RESTORATIVE JUSTICE PROGRAM
Karen Hurst, LMSW
Coordinator

Membership Statement of Confidentiality

I _____, a member of the Southampton Town Youth Court, so hereby recognize my responsibility to uphold the confidentiality of all matters dealt with during Youth Court proceedings. I also understand that my failure to uphold this oath of confidentiality will result in an immediate termination of being a member of the Southampton Town Youth Court. I understand my obligation to the community to uphold all matters dealt with during the Southampton Town Youth Court and to keep all details confidential.

Signature: _____ Date: _____
(Youth Court Member)

Tips for the Courtroom

1) Always tell the truth. At trial, as in all other matters, honesty is the best policy. If you tell the truth and tell it accurately, nobody can cross you up. Do not guess or make up an answer. If you do not know the answer it is best to say, "I don't know." If you are asked about details that you do not remember it is best to say, "I don't remember."
2) Dress neatly and conservatively, and be courteous. The way you dress and present yourself is a direct reflection on you. You want to be sure that your appearance and manner do not distract the judge or jury from careful consideration of your testimony. No tinted glasses or flashy jewelry. A question should be answered, "Yes, sir," or "No, sir," and the judge should be addressed as "Your Honor."

(3) Be attentive. You should remain alert at all times so that you can hear, understand, and give a proper response to each question. If the judge or jury gets the impression that you are bored or indifferent, they may tend to disregard your testimony. Use good posture, do not slouch.
(4) Take your time and speak clearly and loudly. Give the question thought before you answer. If you do not understand the question, let the attorney know you do not understand.
The juror farthest from you should be able to hear distinctly what you have to say. Do not chew gum and keep your hands away from your mouth. Do not nod your head "yes" or "no".
(5) Be serious in the Courtroom. Avoid joking, wisecracks or acting silly in the jury's presence.

What is Youth Court?

Youth Court is a national program in which youth offenders are sentenced by their peers for minor offenses or problem behaviors.

At the end of a hearing, the peer jury decides on an appropriate sentence/disposition for the offender, based on the goals of restorative justice.

Restorative Justice goals are to:

- increases the offenders awareness of the effects of their actions on all victims and gives them the opportunity to repair the harm they have caused.
- connect the respondents to the community by involving the communities in the dispositions
- require that the offender take responsibilities for his/her offense

Youth who do not complete their youth court sentence will be referred back to the referring agency or school for further action.

Our court does not determine guilt or inconsonance. All respondents must omit their guilty in order to participate in the Youth Court program.

Terms You Will Hear

Confidentiality: the requirement not to revel information by spoken, written or sign language

Cross Examine: questions that are asked by the prosecuting attorney

Defense Attorney: the attorney that represents the respondent in court

Direct examination: questions asked by the defense attorney.

Disposition: the sentence that they jury gives to the respondent

Prosecution:the attorney's side that represents the government

Respondent: a juvenile who has committed a crime

Victim: a person or persons who suffers due to an act of another

Witness: any person who testifies at a hearing what he/she has seen, heard or otherwise experienced

East End Regional
Intervention Court

Hon. Deborah Kooperstein
Hon. Allen Smith

DRUG TREATMENT COURT CONTRACT

State of New York
County of Suffolk

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiff,

Case No.

-against-

Defendant.

The East End Regional Intervention Court, Suffolk County District Attorney and above-named defendant, agree that the defendant shall plead guilty to the following charge(s) in the East End Regional Intervention Court pursuant to the provisions of this Contract.

CHARGE(S)	PLEA OF GUILTY TO:	AGREED SENTENCE:
1.		
2.		
3.		
4.		
5.		
6.		
7.		

1. Defendant hereby voluntarily agrees to enter into East End Regional Intervention Court Program as an alternative to being sentenced in the above plea under conditions summarized below and in the Treatment Plan which will be developed upon completion of defendant's evaluation.

Defendant's Initials _____ Attorney's Initials _____

2. Defendant agrees to meet or report to the treatment provider(s) as required and to follow their recommendations. _____ _____

3. Defendant agrees to random testing for drug or alcohol use and understands that failure to provide a urine sample or Breathalyzer test may be considered by the Court to be the equivalent of a positive test result. _____ _____

4. Defendant agree to return to East End Regional Intervention Court periodically as requested by the court and understands that he/she may have to periodically report to the court for a minimum of twelve (12) months depending on progress. _____ _____

5. Defendant understands that if he/she misses any court dates, a bench warrant may be issued and he/she may be released from the program and the case reinstated for sentencing.
_____ _____

6. Defendant understands that if he/she is on parole or probation and violates the terms of such, he/she will be in violation of this contract and subject to sanctions and/or possible termination from the program by the Court. _____ _____

7. Defendant understands that he/she must inform the court and treatment provider(s) immediately of any change in address and phone number and reside in an approved halfway house or inpatient facility whenever required. _____ _____

8. Defendant understands that any new arrest while in this program must be reported to the court and may be grounds for immediate termination from the program. Failure to report a new arrest within 10 days may also be grounds for immediate termination from the program.
_____ _____

9. Defendant understands that he/she will be required to discuss with treatment providers and the court his/her drug use, and that any statement he/she makes regarding drug use in the Treatment Program and/or for the purpose of treatment will not be used against the defendant as evidence in any current or future criminal prosecution; however, it shall be admissible in the event of a termination proceeding. _____ _____

10. Defendant understands that Drug Treatment Court is an open court and that his/her case will be discussed in front of other defendants and members of the public that may be in attendance.
_____ _____

11. Defendant understands that if he/she violates any terms of this Contract and/or fails to work diligently towards the goals of this program, defendant's may be sentenced by the Court and agrees that there is no right to appeal to any other court from a conviction or sentence of the local Criminal Court or County Court. _____ _____

12. Defendant agrees to sign reasonable authorizations for the release of information required by the court. It is understood that any information regarding the defendant's treatment and progress in treatment identifying the defendant will not be released to persons not working for the court and/or treatment providers without the further authorization of the defendant.
_____ _____

13. Defendant agrees to keep all appointments required and to participate in programs including:
    1. treatment programs
    2. counseling programs
    3. education programs
    4. vocational programs
    5. day reporting programs
    6. other reasonable rehabilitation requirements

14. Defendant agrees that in the event he/she fails to keep any program appointments (in the absence of an explanation satisfactory to the courts), fails to comply with any reasonable request or requirement , fails to comply with the rules of the treatment providers, tests positive for any non-prescribed drug, including alcohol, or any prescribed drug that he/she does not have the permission of the court to take (with the exception of emergency situations, in which case the use of such drugs shall be disclosed on the next business day), or fails to comply with any other provisions set forth in the contract, the court may immediately make necessary adjustments in requirements and may impose sanctions including jail time and/or termination from the program. A sanction or termination is solely at the discretion of the Drug Treatment Court Judge, following a hearing. _____ _____

15. Defendant agrees that in the event a termination hearing is held a) hearsay evidence is admissible for purposes of establishing a violation of the contract; b) the standard of proof is a preponderance of the evidence and; c) rules applicable to violation of probation hearings (CPL 410.70(3) and/or suppression hearings (CPL 710.60) are applicable. _____ _____

16. Defendant agrees to allow Drug Court personnel to search their person as well as their home and/or vehicle. _____ _____

17. The defendant understands that the Court may , at its sole discretion, place certain limitations, restrictions and guidelines on the social activities of Defendant(s). This may include, but shall not be limited to; restricting interaction between Defendant(s) and active drug/alcohol users, imposing curfews, restricting Defendant's access to certain locations, limiting Defendant's attendance at social events and/or gatherings, taking control over Defendant's employment status and directing Defendant(s) not to engage in certain actions or activities when it relates to Defendant(s) rehabilitative process. _____ _____

18. Any sanctioned time will not count toward defendant's break out time. _____ _____

19. The parties to this Contract agree that if the defendant complies with the provisions of this Contract and their treatment plan, including modifications approved by the court, the convictions herein above listed will be disposed of as follows:

_____

_____

_____

_____ _____

Defendant Date

CERTIFICATION OF ATTORNEY

I, _____, hereby certify that I am attorney of record (or am authorized to appear on behalf of the attorney of record) for the above-named defendant and that I have explained each and every provision of this Contract (numbered 1-17) to him/her, his/her rights and that he/she has freely and knowingly entered into the within CONTRACT.

_____ _____
Defense Attorney Date

_____ _____
Suffolk County District Attorney Date

_____ _____
East End Regional Intervention Court Judge Date

I. NON-COMPLIANCE

The following are some examples of non-compliance that may result in court ordered sanctions or termination form the program:

1. Failure of defendant to keep mandated treatment appointment dates with service provider;
2. Failure of defendant to keep all scheduled court appearance dates;
3. Failure of defendant to consistently remain drug free as evidenced by repeated positive lab results demonstrating drug usage;
4. Failure of defendant to lead a law abiding life as a result of re-arrest/ conviction;
5. Failure of defendant to follow instructions of the Judge and/or treatment provider.

II. SANCTIONS

The following is a list of some court-ordered sanctions that may be imposed as a result of non-compliance:

a) In-court verbal admonishment;

b) Essays;

c) Increased urinalysis frequency;

d) Increased court reporting schedule;

e) Extending defendant/client treatment period or period under the Drug Treatment Court Program;

f) Weekend Work Program;

g) Financial penalties;

h) Period of incarceration to encourage compliance with drug court mandates.

III. TERMINATION

a) Subject to the discretion of the Drug Treatment Court Judge, following a hearing.

I have read, understood and received a copy of conditions of non-compliance and resulting sanctions.

Signature of Defendant Date

Signature of Judge Date

East End Regional Intervention Court Team Meeting
May 15, 2007 12pm
Southampton Town Hall - lower level multi purpose room

1. Team Contact List Update
2. Conference Updates -
   Washington DC June 13 - 16
3. Participant Updates
4. Possible Participants
5. Update EERIC Contract
6. EERIC Alumni Association News
7. A message from SC Legislator Lynne C. Nowick 13th Legislative District
8. Newspaper articles: Southampton Press 5/10/07 and Suffolk Life 4/24/07
9. Next Team meeting: June ___, 2007 location:_____ time:_____

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SUFFOLK LIFE NEWSPAPERS

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Intervention Methods Utilized By E. End Towns

By:Susan J Greenberg April 18, 2007

Email to a friend Voice your opinion

Rehabilitation, not punishment, is best used for people who find themselves in trouble with the law due to alcohol or substance abuse, explained Charlene Mascia, coordinator of the East End Regional Intervention Court, a program run in Southampton and Riverhead towns that helps people in such situations.

Advertisement

Formed as a statewide initiative by New York State Chief Justice Judith Kaye in February of 2004, the EERIC is the first such program enacted for those residing in these East End towns, according to Mascia. "Our goal is to serve the non-violent, substance-abusing defendant who recognizes his or her problems and voluntarily chooses to enter into a contract with a court-supervised program that mandates full participation and regular appearances before an EERIC judge," said Mascia. "It is a very effective program that has allowed so many people to turn their lives around."

Although there are some participants in the program who do not succeed, Mascia said that, in most cases, successful completion of the program will result in the participant learning to lead a "clean and sober lifestyle," which benefits both the client and the community.

Legal infractions that bring a person to the attention of the EERIC include those offenses that are non-violent, and typical of someone who is under the influence of an extraneous substance, Mascia explained. "These are illegal activities that they would not normally partake in but for their addiction, such as prostitution, forging a prescription, or even stealing from a store," she said. "If they get help to turn their lives around, these behaviors go away."

READER POLL

Does the public have the right to know how much taxpayer money the county spends on political events?

- Yes
- No

Submit Vote

view results

Those who deal drugs are not included as potential participants, said Mascia, because their behavior is inspired by profit, not desperation, unlike those who, if they address their addiction, will be able to refrain from criminal behavior. Also excluded are those who have felony charges pending that cannot be pleaded down, and defendants who are deemed to be mentally incapable of complying with the program.

"Working in this program has been a great experience. I see people who have ruined their lives with drugs and alcohol come through the process and have meaningful lives," said Judge Allen Smith, who presides over such matters in Riverhead Town Court, along with his Southampton Town colleague Judge Deborah Kooperstein.

Eligibility for the EERIC is determined by a panel known as the Drug Court Team, Smith explained. Comprised of various representatives, including those from the Suffolk County Department of Probation, local drug rehabilitation services, court staff, the Legal Aid Society of Suffolk County, and Suffolk County District Attorney Tom Spota's office, the team reviews each defendant's status and potential for success in the program before offering it as an option, instead of sentencing them to serve jail time or ordering them to pay a fine.

"This is not a get-out-of-jail-free card," said Mascia. "There is a lot of hard work that the participant goes through in order to complete the program."

If the defendant is determined to be eligible for the program, explained Mascia, and they decide to become a participant, the team looks at many factors in determining the requirements for an individual. "We look at their crime, their history of substance abuse, any prior treatment and their current living situation in order to come up with a specific program that will suit them," she said. They are required to complete substance abuse treatment that may include inpatient or outpatient services, and are encouraged to also participate in substance abuse support groups, such as Alcoholics Anonymous or Narcotics Anonymous. "Although they are also in treatment, we do encourage a 12-step fellowship," said Mascia. In addition, she said, it is determined if the person needs to be placed in a social services sober home because they are homeless or are in an unhealthy situation where they would be tempted to continue to abuse substances.

Once a person becomes a participant, they must sign a contract, and their file is reviewed monthly by the team, according to Smith. "In addition to monthly meetings of the team to review cases, we also meet every morning before court to review the files of those who are appearing before me that day to keep up with their progress," Smith said. "We look at such things as whether they are compliant, clean and sober, gainfully employed."

On April 20, a graduation ceremony will be held for the third group of successful EERIC participants at noon at the Southampton Town Justice Court. "This ceremony really shows how rehabilitation can help people turn their lives around," Mascia noted.

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EASTERN EDITION

Southampton Press

THURSDAY, MAY 10, 2007

Drug Court Boasting Early Signs of Success

A clean record after its first three years

By Andrew Keshner

The event inside the Southampton Town Justice Court on that day in late April was unlike most graduations.

On April 20, without flowing gowns, without "Pomp and Circumstance," without caps flung high in the air, the local drug court—officially called the East End Regional Intervention Court (EERIC)—graduated its 12 newest alumni.

Even without the flourishes, what happened inside that cramped courtroom was still a graduation at heart: a time to mark achievement. The graduates have been clean and sober for at least six months, recovering from drug and alcohol addictions.

Previously, chemical dependence led one of them to hole up in an attic for an entire month rather than face treatment. And it made another go on a three-day crack cocaine binge immediately after quadruple bypass surgery. But now these graduates have jobs, at least a high school education, and attend regular meetings of support groups like Narcotics Anonymous and Alcoholics Anonymous.

The graduation was also a proud moment for the people behind the three-year-old program.Since its start in February 2004, none of the drug court's 25 graduates has been re-arrested on drug charges or any other criminal charges, according to Southampton Town Justice Deborah Kooperstein.

The statistic underscores what town

See COURT, Page A18

DRUG COURTS WORK!

Southampton Town Justice Deborah Kooperstein

COURT: *Three Years In, Program Has a Perfect Record*

FROM PAGE A1

officials, law enforcement members and drug treatment leaders are saying: that drug courts successfully combat addiction and recidivism in a way that the judicial system has largely been unable to do.

In contrast to a conventional court, the drug court is a post-plea, non-adversarial rehabilitation program for non-violent drug offenders. Participants meet with a judge each week and consent to surprise drug testing. They commit themselves to finding steady employment, improving their education and entering a support group.

Judge Kooperstein and Riverhead Town Justice Allen Smith are the drug court's presiding justices, while Shelter Island Town Justice Helen Rosenblum is the program's alternate judge. The local drug court is a joint program between the town courts in Southampton and Riverhead.

According to a 2006 study by the Center for Court Innovation, New York State currently has 196 drug courts in operation or planning. Suffolk County's only other drug court is located in Central Islip. According to the National Association of Drug Court Professionals, there are 1,800 drug courts in existence or being planned nationwide.

Back at the graduation, more than 70 people packed onto the room's benches. It made for a crowded but festive mood inside the courtroom. Some audience members joked and conversed as they waited for the ceremony to begin. One person even brought a shiny vinyl balloon exclaiming, "Congratulations! You did it!" The audience laughed, clapped and sighed as each of the graduates received his or her certificate and shared his or her story.

For example, there was a time when 35-year-old Riverhead resident Joseph Pita once lived in the woods, feeding his addiction to crack cocaine. But he sobered up with the program, saying, "What they did for me was help me see the good in myself." Days before the graduation, Mr. Pita earned his driver's license and is now working to get his truck driving license, which he hopes to have by the end of June.

Long before the feel-good speeches and tearful thank yous, a client's participation in the program starts with an interview—at a jail, a treatment center or elsewhere. EERIC coordinator Charlene Mascia conducts the interviews, calling them "bio-psycho-social." The interviews evaluate an individual's drug use and treatment history. But they also sketch out things like a person's level of education and family history.

Some commonalities among participants include early drinking and marijuana use, sometimes as early as 12 years old. Many local participants were addicted to either heroin or crack cocaine, Ms. Mascia said. Younger participants had been using marijuana and cocaine. Alcoholism was also prevalent throughout the participants.

The drug court team meets once a month to sort through potential candidates. That team consists of Judge Kooperstein, Judge Smith, Judge Rosenblum, Ms. Mascia, representatives from the Suffolk County District Attorney's Office, the Legal Aid Society of the East End, the Suffolk County Probation Department and Sheriff's Department and a regional treatment center.

It took one of this year's graduates three years to get clean and sober. "As long as he said 'I need help,' we helped," Ms. Mascia said.

During these meetings, the members decide who is ready for the program and who is not. A violent offense is a disqualifier, and unless the Suffolk County DA's office is willing to downgrade the charges in exchange for treatment, people with felony charges cannot participate in the program either.

Ms. Mascia noted that a felony charge could come from the possession of a large amount of narcotics, or it could come from a larceny charge where an addict stole in order to find money to pay for the next fix.

According to Ms. Mascia, the drug court is now handling 28 open cases, five of which are pending admission to the program.

F. Marc Wiederlight is the bureau chief of the Legal Aid Society of the East End, which is the legal representative for participants.

He noted that the choice is not entirely up to the drug court officials. Describing the choice to a potential applicant, Mr. Wiederlight said, "You're looking at jail time. This is what you'd get. I could get you a better [determination from the court], but there's a lot more work. Are you ready to make a commitment to sobriety and giving up drugs?" He added, "Some people will say yes. Others will say no."

If the drug court decides to take someone on, they first create an assessment for that person, which outlines individual goals that need to met. The individual then signs a contract requiring mandatory and unannounced testing, weekly appearances before Judge Smith or Judge Kooperstein and participation in a treatment program.

Describing the actual session—which takes place with the rest of the participants looking on—Judge Kooperstein said, "I want to know how they've been and what they've been doing." Meanwhile, Judge Smith viewed his role as 80 percent social work, 20 percent judge. "Much of the legalese has been disposed of," he said.

Entering the program doesn't ensure a straight shot to sobriety, organizers noted. Relapsing, or testing "dirty," happens often. And when that happens, the judges have the power to punish. For instance, Judge Kooperstein said they can order community service, relocation and jail time.

The contract calls for a one-year commitment, but Ms. Mascia said it usually takes clients 14 to 15 months to complete the program. And it takes some participants longer than that: It took one of this year's graduates three years to get clean and sober. "As long as he said 'I need help,' we helped," Ms. Mascia said.

Sometimes, however, there's only so much that can be done. "There are some who just can't seem to make it work for them," said Suffolk County Probation Officer Karen Papp, noting that was a difficult decision to make. After working with the program for over a year, she said three or four individuals have been "cut loose."

America's first drug court was started in 1989 at the 11th Judicial Circuit of Florida in Miami. At the time, the city, like so many other cities in America, was fighting a crack epidemic. Six years later, in 1995, New York State's first drug court started in Rochester.

Judge Kooperstein says she began studying how to bring a drug court to the area more than six or seven years ago. "Since I've been here, I've watched our criminal calendar change from 'Driving While Intoxicated' charges to 'Driving While Intoxicated' and drug charges," she said.

Around that time, she went up to Buffalo to study how town courts in that region implemented the program. By 2002, Judge Kooperstein convinced now-retired New York State Judge Joseph Traficant that the area needed a drug court of its own and started training to become a certified drug court justice.

Those outside the program speak highly of the drug court. Mark Epley, Southampton Village mayor and the executive director of the Seafield Center, a 90-bed drug and alcohol rehabilitation program in Westhampton, praised t program. "I think drug courts are one the most significant judicial initiativ in the past several decades," Mr. Epl said.

The Seafield Center often works wi drug court participants. "I think tl judges make a significant impact," M Epley said."On average, there's a l more accountability in the drug cou system."

According to Mr. Epley, nationwid there is a roughly 30-percent succe rate for individuals going into treatme programs. For drug court participan that number jumps to 75 to 80 percen

Sergeant James Kiernan, the co manding officer of the Southampto Town Police Department's Street Crim Unit, also spoke highly of the progra Sgt. Kiernan said narcotics enforc ment presented two types of peop drug dealers and drug addicts. I believes there is a certain division labor between the town's narcotics un which went after the drug dealers, a the drug court, which was a place handle the addicts.

"The great thing about the drug co is that for addicts who are powerle over their addictions, this provides the with the structure that they need to g past their problem ... It gives the addi the opportunity for someone to stru ture their lives and monitor them they get over that first hurdle, which is tremendous hurdle."

The day before the graduation, April 19, New York State Police raid the Shinnecock Indian Reservation le than three miles away from the gradu tion, arresting 30 people and confisca ing firearms, marijuana, crack cocain heroin, drug paraphernalia and $2,0 in cash.

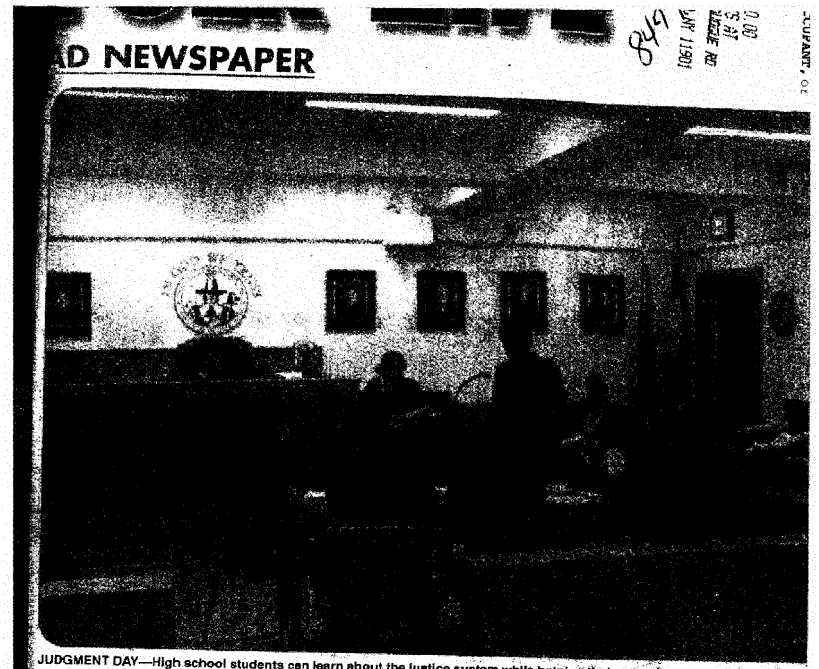
One of the graduates, 19-year-o Matthew McDonald, connected tl April 19 raid with the April 20 gradu tion: "They got some drugs. They g some guns. But the United States go emment has a war on drugs, and th got a little bit a couple of days ago. B it's still everywhere. It doesn't really ma ter how many raids they do, it's alwa going to be here. That war on drugs is very effective, actually. Drug court is tl real war on drugs."

The audience burst into applause the line.

The graduates are already establishe in their new lives. One graduate is ma rted and a full-time housewife, whi another is a hairdresser.

As for 19-year-old Mr. McDonald, h now runs a sober house in Flanders a hopes to apply to college soon to purs an interest in art or carpentry. "I'm ve grateful—extremely grateful—for ever thing that happened to me, everythir that I've been through," he told tl audience.

D NEWSPAPER



JUDGMENT DAY—High school students can learn about the justice system while helping their peers by participating in the yo court program. A public mock trial presentation will be held on September 19 to demonstrate how youth courts work. The Hu ington youth court held a similar mock trial (pictured) earlier this year.

Empowering Teens

LONG ISLAND YOUTH COURTS FOCUS ON 'RESTORATIVE JUSTICE'

By Christina M. Rizzo

To raise awareness about a program in which juvenile offenders are judged by their peers and given proactive sentences, and to encourage young people to become involved in the process, the Long Island Youth Court Coalition will be hosting a public mock trial presentation on September 19. Through the collaborative efforts of three

youth court program since 10th grade. Learning about the judicial process by serving in different positions on the youth court, Sconzo said she has experienced a "broader perspective of government and society." Pursuing a career in law is something that Sconzo said she is definitely considering as graduation approaches.

Youth court is a program, operated under the National Association of Youth

In order for a juvenile to be tried youth court, an offender must adr guilt to a first-time minor delinque offense or a non-violent misdemean Wohlars continued. Typical offens that the court deals with include the vandalism, consumption of alcohol, p session of marijuana or tobacco a traffic violations, according to t National Association of Youth Cour

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HEALTH BENEFITS...

FROM Page 3

ness," said Suffolk County Legislator Tom Barraga (R-West Islip), who also served in the state Assembly. "Changing current contracts for current employees just isn't fair. If you grandfather everyone in, you would still save a lot of money in the long-run. Don't be taking benefits away from those already here."

Stating that healthcare costs are rising by "12% to 15% a year — four or five times the rate of inflation," Levy noted that the financial burden associated with these increases is "just not sustainable. We need to find innovative ways to deal with this. If we don't, it's going to lead to fiscal imbalance."

Barraga, who said he was "all for" changing the current rules to require new county employees and elected officials to pay for a portion of their health benefits, said he believes a tier system could work. "It's been done on the state level," he noted. "We can change this prospectively if this is how people feel across the board."

Some believe that county workers often can make a better salary in the private sector, and not having to pay for health benefits makes up for the lower salary. "We should be worrying about how we are going to cover all Suffolk County residents that need health benefits, not trying to take it away from the few who are covered," said County Legislator Bill Lindsay, ing officer of the Legislature. compared to the private secto government employees get in they give up in lower salaries, profit sharing or bonuses."

Base salaries for full-tim and white-collar" county em which are determined based o tion, job experience, step incre other factors, range from $2 $141,645, according to Suffolk Comptroller Joe Sawicki's offi does not include salaries for l enforcement, including the County Police Department or trict attorney's office. As p reported in *Suffolk Life*, the salaries of full-time legislative 2007 range from $34,661 to $9

"To be fair, the deal is that employees would not get ric the same time they have a security and decent benefit said. "But the union leaders

'RESTORATIVE JUSTICE'...

FROM Page 1

High school students — who go through 10 to 12 weeks of rigorous training — will defend, deliberate and decide the best course of action in sentencing their peers, explained Wohlars. The Brookhaven youth court handles approximately 50 cases over the course of the school year, she added.

"It makes me feel important," said Matthew Power, a junior at Sachem High School East, who also participates in the youth court program. Because the youth court gets students involved in real legal scenarios, Power said this encouraged him to take the program "more seriously." As he continues to consider which college to attend, Power said he hopes to utilize his experiences at youth court as he pursues a career as a lawyer.

Noting that youth court teaches teens about the consequences of aberrant behavior, both Sconzo and Power agreed that both the offenders and those serving in youth court can benefit from the process in a number of ways. The program encourages the students who volunteer to hone their public speaking skills and become educated about the legal system, and also urges offenders to learn from their mistakes.

Three principles guide the sentencing process known as "restorative justice," said Maria Danisi, the Huntington youth court coordinator. Holding the defendant accountable while trying to find out what motivated the crime is one of the main guidelines, she noted. "Involving the community" is another point that goes hand-in-hand with the third principle, which calls for teens to build on the defendant's "strengths," Danisi stated.

For example, teens caught writing graffiti on public property could be sentenced to work with "Splashes of Hope" — a volunteer group that paints murals at children's hospitals. "We try to be restorative with every case we have," added Danisi.

The September 19 event is being held in celebration of National Youth Court month. "The theme this year is 'Empowering Youth, Experiencing Justice,'" according to Wohlars. To highlight local youth courts in action, the Huntington, Brookhaven and Southampton programs will feature a mock trail presentation that will highlight the judicial process that local students participate in.

The Long Island Youth Court Coalition's mock trial presentation will be held at the Bellport High School auditorium, located on 205 Beaver Dam Road in Brookhaven. The presentation will run from 7 to 9 p.m. and refreshments will be served afterwards. Although registration is not required, those interested in attending the event are encouraged to RSVP by today, September 12, at 451-8022.

Notice of formation of North Fork Candle & Soap Company, LLC Arts. of Org. filed with the Secty of State of NY (SSNY) on 7/20/2007 Office location, County of Suffolk. The street address is: 2822 River Road, Calverton, NY 11983. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process served to: The LLC, 2822 River Road, Calverton, New York 11983. Purpose: any lawful act.
LEGAL NOTICE #141744 SCL-RH 8/8, 8/15, 8/22, 8/29, 9/5, 9/12

Notice of formation of PCC PROCESSING TECHNOLOGIES, LLC Arts. of Org. filed with the Secty of State of NY (SSNY) on 5-19-2006 Office location, County of Suffolk. The street address is: none. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process served to: Jay F. Quartararo, Esq., Twomey, Latham, Shea, Kelley, Dubin & Quartararo, LLP, 33 West Second St., PO Box 9396, Riverhead, NY 11901-9388. Purpose: any lawful act.
LEGAL NOTICE #141975 SCL-RH 8/8, 8/15, 8/22, 8/29, 9/5, 9/12

EASTERN PROPERTY INVESTOR CONSULTANTS, LLC, a domestic Limited Liability Company (LLC) filed with the Sec of State of NY (SSNY) on 7/16/07. Office Location: NEW YORK County. SSNY is designated as agent upon whom process against the LLC may be

Pursuant to foreclosure dated 7/10 undersigned sell at public Riverhead T Howell Ave head, Cou FOLK, Ne 9/25/2007 a as known as 48 Hill St River, New All that cer or parcel of buildings ments the situate, lyin the Town County of State of Ne Block and Approxima judgment plus inter Premises subject to pro Judgment #15817/06 KARL E. E eree Steven J. Attorney k P.O. Box 1 14240-125 Dated: 8/1 **LEGAL N SCL-RH 8/12**

Notice of VLASTA LLC. Arts with Secy (SSNY) Office County, S as agen whom pr may be small mai Crows N head, N tered ag process Term: u Purpose: pose. **LEGAL SCL-RH 8/19, 9/2**

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[Judge Kooperstein's responses to questions for the record follow:]

Responses to Questions From Judge Kooperstein

In answer to Congressman Raul Grijalva's question "What role, if any, does the judiciary play in your state with regard to the review or approval of release plans of youth offenders?" I must say that the judge reviews the release plans and must approve them. The plans are compiled by the Probation Officer assigned and the facility where the juvenile is lodged. There is a strong presumption, although rebuttable, in the recommendation's of the staff and director of the facility.

My response to Congressman Robert C. "Bobby" Scott's 5 questions is as follows:

1.The only consequences that result from imprisoning juveniles with adults are negative. Juveniles entering the world of calloused, hardened adult defendants are

recruited by career criminals. Putting these groups together is a twisted form of networking; when the juveniles are released they re-enter society with the clothes on their back, a few dollars and contacts acquired from the inside who recommend them to their cohorts on the outside engaged in criminal activities.

2. The results of imprisoning juveniles convicted of status offenses is once again providing them with contacts in the world of career criminals. In addition, if you imprison juveniles convicted of status offenses the punishment most definitely does not fit the crime thus violating Gilbert & Sullivan's maxim. These juveniles haven't even committed a crime, they are really reacting and acting out and the root causes of this behavior go unaddressed in a jail and the anti-social behavior become ingrained.

3. The most effective ways to decrease the proportion of minorities in the juvenile justice system is to target the drug dealers who often employ them as runners just because they are juveniles and at the same time to provide hope in the tangible form of after school jobs which are more than menial but are jobs in areas a juvenile has told a school counselor they want to pursue as a career.

4. I do not have enough experience to form a judgment with regard to juveniles with mental illness.

5. Yes, the availability of quality education is a vital condition of confinement. However, placing these juveniles with really dedicated, quality teachers requires giving these teachers an incentive, an increase in compensation or an attractive benefit package, to attract them to a very challenging group of students.

Please thank both Representatives for their interest in our youngsters.

Regards,

DEBORAH KOOPERSTEIN.

Chairwoman MCCARTHY. Now we will hear from Judge Clark.

STATEMENT OF HON. KIM BERKELEY CLARK, ADMINISTRATIVE JUDGE, FAMILY DIVISION, 5TH JUDICIAL DISTRICT OF PENNSYLVANIA, PITTSBURGH, PA

Judge CLARK. Thank you. Good morning.

Madam Chair and members of the subcommittee, I would like to thank you for this opportunity to testify before you today, and I am pleased to have the opportunity to comment on the proposed reauthorization of the JJDP Act and of the continuation of OJJDP. I am here on behalf of the National Council of Juvenile and Family Court Judges, and the National Council supports the reauthorization of JJDPA and the continuation of OJJDP.

I was specifically asked to talk to you today about what I can and cannot do as a judge in Pennsylvania to help children and families, to describe what continuing education is like for judges, to describe what alternatives there are to incarceration of juvenile offenders in Pennsylvania, and how often I feel free to refer you to these programs, what preventative measures I recommend to help prevent youth from entering my courtroom, and the challenges that judges like me continue to face every day. This is difficult to do in 5 minutes.

I would like to begin with this thought to help put things in perspective, and this goes to how most of society, I think, feels about juvenile and family court. There have been times when I have had encountered a person, and upon discovering that I am a juvenile court judge, they make a comment to me like, "Oh, it is so awful that you have to work with all of those bad kids and all of those bad parents." statements such as this could not be more wrong, and I acknowledge that there are some bad kids, probably, and some bad parents, but they represent a very small fraction of the cases that judges see.

What I mostly encounter are kids and parents in bad situations, and I mention this because, when we talk about delinquency, we cannot talk about delinquency without talking about dependency and custody and protection from abuse and all of those things, and I always say that we define and label our kids by how they first enter our courthouse, whether they come in through the child welfare system or through the juvenile justice system.

I see people who are affected by poverty, drug and alcohol addiction, mental health instability, homelessness, mental retardation, youth, kids having kids or combinations of some or all of the aforementioned. What I see is parents who do love their children but who do not have the tools to properly raise and nurture them in this society today, and I see kids who are really bright and who would have so much potential but for their dire circumstances which provide them little chance for hope or success, and as a result, they make poor choices.

These children and their parents struggle every day, and some of them are just really existing instead of living life to its fullest and looking for goals, and I am saddened by the fact that the public does not see what I see and that sometimes society tends to look the other way.

As a family court judge, I hear dependency cases, child welfare cases, delinquency cases, which are juveniles charged with committing crimes. I hear termination of parental rights and adoption cases, custody cases, protection from abuse, mental health commitments, and drug and alcohol commitments involving juveniles. As a juvenile and family court judge, I make decisions that forever affect the lives of children and families in my county. I remove children from their homes and communities and from the care of their parents and from everything that they know and maybe are comfortable or familiar with, because they are in need of treatment in an out-of-home setting.

I terminate parental rights and finalize adoptions. Though, on occasion, I make decisions that result in a child's being tried as an adult rather than a juvenile, but with the help of many who work in the system, I am sometimes able to have parents reunify with their children where juveniles successfully complete their conditions of supervision, and their cases are closed, and in some cases, children have permanent and lasting relationships with adults.

In Pennsylvania, we are fortunate to have many other options than secure incarceration for juvenile offenders, and we utilize residential programs for many of these offenders. Obviously, the key is prevention and providing services and education for judges, and OJJDP helps with this.

To sum up, I would say judges in my position need to have adequate training. We are asked to be part social worker, part physician. We are supposed to understand developmental goals, behavioral issues, drug and alcohol addictions, psychological issues, the dynamics of sexual and physical abuse. With this, we need training, and we need collaboration and cooperation with others, and OJJDP helps with this in terms of the training.

I thank you for this opportunity to be heard today.

Chairwoman McCarthy. Thank you, Judge Clark.

[The statement of Judge Clark follows:]

Prepared Statement of Hon. Kim Berkeley Clark, Administrative Judge, Allegheny County Family Court

Madam Chair and members of the Subcommittee on Healthy Families and Communities, thank you for this opportunity to testify before you here today. I am Kim Berkeley Clark, Administrative Judge of the Allegheny County Family Court in Pittsburgh, Pennsylvania, and I am here on behalf of the National Council of Juvenile and Family Court Judges and judges across the nation who hear our nation's most difficult cases—those related to children and families. Our caseloads include issues such as child abuse and neglect, juvenile delinquency, domestic violence, substance abuse, mental health, divorce and a myriad other issues affecting society today.

We are pleased to have this 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, Office of Justice Programs. We appreciate the Subcommittee's attention to this important task. The National Council of Juvenile and Family Court Judges (NCJFCJ) supports the reauthorization of the JJDPA and the continuation of OJJDP. When the JJDPA was originally enacted in 1974, many representatives of the NCJFCJ testified before the U.S. Senate in support of the legislation. The NCJFCJ continues today in its support of the JJDPA and continuation of the OJJDP.

The Need for the Office of Juvenile Justice and Delinquency Prevention

The Office of Juvenile Justice and Delinquency Prevention has served a critical role in supporting the field of juvenile justice since its inception. OJJDP has provided critical education, technical assistance, research and statistics, and publications to all disciplines involved in the juvenile justice arena. These programs have proven effective in improving court practice in the handling of cases related to children, youth and families. Professionals who are supported by the work of OJJDP include judges, attorneys (public defenders, prosecutors, and child advocates), juvenile probation officers, detention personnel, child welfare professionals, volunteers, treatment providers and a wide variety of other juvenile justice professionals.

Juvenile court judges who oversee cases involving children, youth and families can help effect changes in the behavior of the youth who appear before them. Judges are in a unique position to be able to hold others accountable. This includes not only the youth before them, but also their family members, schools and the many other professionals within the system. Seasoned judges throughout the nation report that they are seeing multiple generations of the same family over time. Judges realize that they must break the cycles of abuse, delinquency, substance abuse, and other issues negatively impacting families today in order to sustain their efforts in providing better outcomes for children and families.

The role of the juvenile and family court judge has evolved significantly over time. Where judges were once primarily responsible for making decisions in a case as impartial magistrates with little connection to the children, youth and families before them, judges now have assumed multiple additional roles. Juvenile and family court judges today are working with children and their families, the attorneys assigned to their cases, social workers, probation personnel, schools, substance abuse counselors, treatment providers and others to find the best solutions to the issues confronting our nation's families. Judges are working with stakeholders in their courts and communities to develop better ways of doing business. Judges are reaching out into the community to identify, develop or import resources necessary to meet the needs of children and families in their caseloads. And finally, judges are reaching out to policy makers to request support for best practices and to request needed resources to improve the system's response to child maltreatment, substance abuse, juvenile delinquency and more. Judges understand the importance and benefits of collaborating with other system professionals and communities to improve outcomes for children and families.

The National Council of Juvenile and Family Court Judges

The National Council of Juvenile and Family Court Judges is the nation's oldest judicial membership organization. Now celebrating its 70th year, the NCJFCJ has more than 2,000 members. With support of the Office of Juvenile Justice and Delinquency Prevention, NCJFCJ has worked for decades to provide education, technical assistance, research, statistics, publications and other assistance to judges and professionals in the field.

The NCJFCJ provides training/education, technical assistance and other resources to as many as 20,000 to 30,000 professionals annually. The focus of this work is to provide judges and others with the latest state-of-the-art information and tools to

enable them to make better decisions on behalf of children and families, to guide systemic change in their communities, and to understand the issues faced by the families whose cases they must hear on a daily basis. Topics addressed by the NCJFCJ include: child abuse and neglect, juvenile delinquency, domestic violence, substance abuse, and family law issues, among other topics. A significant portion of this work is funded by OJJDP.

As an example of the NCJFCJ work funded by OJJDP, from 1992-1995, in response to a systemic need for a document that outlined best practices in handing child abuse and neglect cases, the NCJFCJ developed the RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases.[1] This document was published in 1995, and was endorsed by the Conference of Chief Justices, the American Bar Association and the Conference of State Court Administrators. This document was foundational in the sea change underway today in improved practice by judges, court professionals, child welfare professionals and others in handling dependency cases. National programs, state initiatives and individual jurisdictions have used this document as a blueprint for change—as many as 30,000 copies have been disseminated nationally to date. Significant positive results have been noted and a few of these are listed below:

• In the Congressional drafting of the Adoption and Safe Families Act of 1997, the RESOURCE GUIDELINES was used as a guide for best practices as contained within the legislation;

• State Court Improvement Programs, as supported by the U.S. Department of Health and Human Services, used the document to assist states in developing state court improvement program plans;

• The Pew Commission's Report on Foster Care was largely based upon the principles stated in the RESOURCE GUIDELINES.

The OJJDP-funded Victims Act Model Courts Project at the NCJFCJ was developed to identify courts willing to change practice and ready to embrace the key principles of the RESOURCE GUIDELINES. This Project provides Model Courts with the training, technical assistance, evaluation and research needed to improve practice in jurisdictions; statewide implementation is an additional goal in many of these courts. Currently, 31 jurisdictions around the country serve as Model Courts; these courts are committed to improving court practice and to serving as models for other courts nationwide outside the project as they strive to improve practice. Model Courts, as laboratories for change, provide a basis of information to others regarding successes and failures, what works and what doesn't work. Model court personnel serve as trainers, mentors, site hosts and guides in sharing their work far beyond the 31 Model Courts involved in this project.

Listed below are examples of success in the Victims Act Model Courts Project:[2]

• Of the courts involved in the project, three are the nation's largest juvenile or family court systems. These include: Cook County (Chicago) Child Protection Division of the Juvenile Court, New York City Family Court, and Los Angeles County Juvenile Court. At one time, these three jurisdictions alone represented nearly half of the nation's children in foster care. Thanks to a decade of focused collaboration between the courts and system stakeholders and the NCJFCJ, the total number of children in foster care in these courts and nationwide has begun to decrease. In each of these jurisdictions caseloads have been examined, issues delaying timely permanency have been addressed, and adoptions have increased, among other accomplishments. As a result, the numbers of children in foster care in these three jurisdictions have significantly decreased over time. In Cook County alone, a caseload of over 50,000 children in out-of-home care in 1996 has been reduced to fewer than 10,000. Caseloads in Los Angeles County have dropped from over 50,000 children in foster care in 1997 to 30,000 most recently.

• Innovations in courts resulting from the work of the NCJFCJ's Model Courts Project have proven inspirational to others. For example, Adoption Saturday was initiated in the Los Angeles County Juvenile Court in 1998. In order to clear a backlog of adoption cases in that court, Presiding Judge Michael Nash initiated an event which enlisted the help of volunteer judges, court staff, attorneys, social workers and others on a Saturday. Volunteers were immediately forthcoming and during that first Adoption Saturday event, hundreds of cases were heard. The court's celebratory atmosphere on that date has inspired additional events each year in Los Angeles County. In 2006, that court celebrated its 23rd Adoption Saturday; thousands of adoptions have been finalized since that first Adoption Saturday event.

• National Adoption Day—Additionally, the Adoption Saturday event has been used as a model for National Adoption Day sponsored each year by the Dave Thomas Foundation for Adoption. This event is held on the Saturday before Thanksgiving and is next scheduled for November 17 in 2007. During its initial year, this event drew only a handful of courts. However, in 2006, National Adoption Day was cele-

brated in all fifty states, the District of Columbia, and Puerto Rico, during 250 adoption events. These events resulted in adoption of 3,300 children nationwide—in one day.

An additional example of the significant work of the NCJFCJ as funded by the OJJDP is the Juvenile Delinquency Guidelines Project. In 2005, the NCJFCJ produced another pivotal document in changing court and systems practice. The JUVENILE DELIQUENCY GUIDELINES: Improving Court Practice in Juvenile Delinquency Cases[3] was developed by a committee of system stakeholders, and when published was endorsed by the Conference of Chief Justices, the Conference of State Court Administrators, the National Association of Counsel for Children and the Bureau of Juvenile Justice, State of Michigan. This document provides a blueprint for systemic improvement in juvenile justice cases, and is now being used by a number of courts nationwide as they examine statutes and protocols, identify problem areas, plan for change and implement new practices and procedures. A Juvenile Delinquency Model Courts Project[4] as funded by OJJDP is beginning to impact the system nationwide in ways demonstrated by the Victims Act Model Courts Project over the past ten years. Without the support of OJJDP to fund some of this work, the improvements in handling delinquency cases now beginning to emerge would not have been possible.

Another example of the work funded by OJJDP and produced by the NCJFCJ, is a series of three audio recordings available on CD. Telling Our Stories from Juvenile Court, You Can Make a Difference—Stories from Juvenile Court and You Can Make a Difference III—More Stories from Juvenile Court[5] document success stories of troubled teenagers referred to the juvenile court, as well as how judges and court professionals can make a difference in a child's life. One of these success stories is that of former U.S. Senator Alan Simpson.

The Impact of the Office of Juvenile Justice and Delinquency Prevention

NCJFCJ believes that federal recognition of the uniqueness of juvenile courts and the children and youth under their watch should continue. We urge Congress, as it considers reauthorization of the Juvenile Justice and Delinquency Prevention Act, to consider the following:

• The juvenile justice system is unique and provides a distinct and important focus on issues related to children and youth. Juveniles are not miniature adults and must be treated differently than adult criminals. They are strongly influenced by their families and their peers, and often they can be diverted or rehabilitated from a life of crime with proper mentoring, programming and support. There is extant research showing that adolescent brains are not fully developed. With the infusion of medical and psychiatric research and collaboration with juvenile justice professionals, we are learning more all the time about how to better intervene and assist youth who appear before us. Juvenile courts are an important factor in changing behavior, and the programs supported by OJJDP provide judges and other system professionals with the knowledge, skills and tools needed to better serve the children and youth on their caseloads.

• The juvenile justice system is a broadly focused arena which includes prevention (child protection) and juvenile delinquency. For a comprehensive approach to children and youth, this entire arena requires a special focus within OJJDP. Recognizing this early on, over a decade ago a child protection division was created within OJJDP to focus on programming to address the needs of children who had been abused and neglected. The NCJFCJ has worked with OJJDP since 1992 to develop best practices in the handling of child abuse and neglect cases, to develop a blueprint for change, and to implement best practices and improved outcomes for children and families in jurisdictions across the nation. As previously noted, this Victims Act Model Courts Project serves as a cornerstone of the work of the Child Protection Division. Research has proven the link between child abuse and neglect and juvenile delinquency.[6]

• Funding to state and national programs, through grants and cooperative agreements, which support training, technical assistance, publications, research, and model programs, provides a comprehensive and integrated approach to addressing juvenile justice issues. The OJJDP, over time, has developed effective programs which provide a comprehensive approach to dealing with juvenile offenders, as well as children who have been abused or neglected, who are dealing with substance abuse issues, and whose needs cannot be met in any other way.

• OJJDP's work in development of programs has changed the landscape in terms of government's response to juvenile delinquency. The Office's support for programs in juvenile sanctions, juvenile delinquency model courts, juvenile drug courts, gangs, disproportionate minority contact, and others have provided support to jurisdictions across the nation as no other funding streams have.

• Training for Judges. Well-trained and skilled judges are critical to a well-functioning juvenile justice system that holds youth, families and system stakeholders (including themselves) accountable. Judges are responsible for holding youthful offenders accountable, ensuring community safety and providing for the needs of children and youth who have come into the system either through delinquent acts or through no fault of their own.

Programs of OJJDP are cost-effective and thoroughly evaluated. Statistics maintained through OJJDP-funded programs allow analysis both over time and from jurisdiction to jurisdiction. Information being developed by OJJDP-funded programs is being widely disseminated through training, conferences, publications, websites and other electronic means.

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. OJJDP serves various functions, including:

• providing a voice for juvenile justice and child welfare/delinquency prevention issues within the U.S. Department of Justice;

• supporting innovative programs for handling children, youth and their families;

• supporting research, training and technical assistance for juvenile justice system and cross-system professionals;

• providing national juvenile justice statistics;

• providing leadership in developing best practices and guiding courts and systems nationwide toward improved practice throughout the continuum—from prevention to diversion and beyond.

OJJDP's programs support development of assessment tools; assessment of systems practice; research on changing trends; research on best practices; use of early service delivery; development of technology; and removal of impediments for information-sharing among agencies.

Juvenile Justice Statistics—The Need for a Continued Focus by OJJDP

The need for a continued focus on juvenile justice issues by a federal agency mandated with that task remains a high priority for professionals in the field. National statistics provided by the National Center for Juvenile Justice, the research arm of the NCJFCJ, detail trends in the system.[7] These trends note the need for continued vigilance and programming in the juvenile justice arena.

Arrest statistics from the Federal Bureau of Investigation show substantial growth in juvenile violent crime arrests from the late 1980s until 1994. This was followed by ten years of decline. However, this long-term downward trend was broken in 2005 with a small annual increase (2%) in Violent Crime Index Arrests. More specifically, 2005 saw an increase in juvenile arrests for murder (20%) and robbery (11%). It is significant to note that while juvenile male arrests for simple assault declined between the mid-1990s and 2005, female arrests increased. Without a focused office such as OJJDP to address these trends with new and innovative programs as they arise, there would be no ability within the justice community to reverse or address trends as needed.

Conclusion

The mission of OJJDP 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 systemic response to issues related to children and youth. With the resources provided by OJJDP, juvenile and family courts are better able to serve those children and their communities. The NCJFCJ 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 and individual judges nationwide, I would like to thank you for inviting me to participate in this hearing on this important piece of legislation. I would be pleased to answer any questions you may have.

ENDNOTES

[1] RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases (1995). National Council of Juvenile and Family Court Judges, Reno, NV. Available online at *<http://www.ncjfcj.org/images/stories/dept/ppcd/pdf/resguide.pdf>*

[2] Status Report 2005: A Snapshot of the Child Victims Act Model Courts Project (2006). National Council of Juvenile and Family Court Judges, Reno, NV. Available online at *<http://www.ncjfcj.org/content/blogcategory/365/434/>*

[3] JUVENILE DELINQUENCY GUIDELINES: Improving Court Practice in Juvenile Delinquency Cases (2005). National Council of Juvenile and Family Court Judges, Reno, NV. Available online at *<http://www.ncjfcj.org/images/stories/dept/ppcd/pdf/JDG/juveniledelinquency-guidelinescompressed.pdf>*

[4] Juvenile Delinquency Model Courts are currently located in: Pima County, Tucson, AZ; El Paso County, El Paso, TX; Hamilton County, Cincinnati, OH; Erie County, Buffalo, NY; Lackawanna County, Scranton, PA; Buchanan County, St. Joseph, MO; and 3rd District Court (Salt Lake, Tooele & Summit Counties), Salt Lake City, UT.

[5] Telling Our Stories from Juvenile Court (2000), You Can Make a Difference—Stories from Juvenile Court (2002) and You Can Make a Difference III—More Stories from Juvenile Court (2002). CD Audio Recordings. National Council of Juvenile and Family Court Judges, Reno, NV.

[6] Widom, C. (2000). Childhood Victimization: EARLY Adversity, LATER Psychopathology. Washington, D.C.: National Institute of Justice Journal.

[7] Snyder, H. (in press). Juvenile Justice Bulletin: Juvenile Arrests 2005. Washington, D.C: OJJDP.

[Judge Clark's responses to questions for the record follow:]

March 16, 2008,

Hon. GEORGE MILLER, *Chairman;* Hon. CAROLYN MCCARTHY, *Subcommittee Chairwoman, Committee on Education and Labor, U.S. House of Representatives, Washington, DC.*

DEAR REP. MILLER AND REP. MCCARTHY: Thank you for the opportunity to testify at the September 18, 2007 hearing of the Subcommittee on Healthy Families. It was an honor and a privilege to do so.

I have received the questions from Representatives Scott and Grijalva. Attached are my responses. If you need any additional information, please do not hesitate to ask. Thank you again for the honor of testifying on September 18.

Very truly yours,

KIM BERKELEY CLARK.

I. What consequences result from imprisoning juveniles with adults?

The research is increasingly clear that prosecuting juveniles as adults leads to higher recidivism rates than treating youth within the juvenile justice system. When incarcerated with adults, youth can be victimized in many ways and are exposed to adults who are involved in criminal activities. The negative outcomes from imprisoning Juveniles with Adults are well documented.

The outcomes in Juvenile Justice System are far superior to the Criminal Justice System. In Pennsylvania, for the year 2005, only 12.6% of offenders recidivated; only 11% of juveniles had a violation of probation; 94.2% of juveniles completed their community service; total community service hours completed 536,196; 85.3% of offenders paid restitution in full; $2,362,067.45 in restitution was paid.

The 2006 figures are equally impressive for Allegheny County, my jurisdiction.

1. Probation staff collected and dispersed $218,866.00 in restitution to crime victims. (One juvenile paid a staggering $11,900.00 in restitution at the time of case closing.) At case closing, 75% of restitution ordered by the court was paid in full.

2. Probation staff collected and submitted to the state $36,484.90 for the Crime Victim's Compensation Fund.

3. In 2006 Probation staff collected and submitted $55,622.38 towards the District Justice Fund and the Victim Awareness Fund.

4. Probation staff collected and submitted $8,575.07 towards the Substance Abuse Fund.

5. Youth under Court supervision, whose cases were closed in 2006, performed 68,754 hours of community service. At case closing, 96% of court ordered community service was completed in full.

6. In 2006, 88% of the youth under supervision of Allegheny County Juvenile Probation were NOT adjudication of a new offense or crime.

The Criminal Justice System would be hard pressed to even produce outcomes of any kind.

Moreover, in Pennsylvania we are very fortunate that judges have many options in dealing with juvenile offenders. We have a wide variety of services and programs that have all embraced balanced and restorative justice. Judges in Pennsylvania almost never send a child outside of Pennsylvania for placement. However, because of the wide variety of programs and services in Pennsylvania, our state receives many children from all over the United States for placement (and sometimes outside of the United States). We also have a wide variety of services that give judges an alternative to placement. In Pennsylvania only 11% of children receive out of home placement as a disposition for their first delinquent offense. 89% of children are placed on probation for their first offense. The vast majority of these cases close suc-

cessfully, with no further court appearances. 80% of Pennsylvania juvenile offenders in placement are in residential programs as opposed to state-run, secure programs. The following editorial appeared on May 11, 2007, in the New York Times.

Juvenile Injustice

The United States made a disastrous miscalculation when it started automatically trying youthful offenders as adults instead of handling them through the juvenile courts. Prosecutors argued that the policy would get violent predators off the streets and deter further crime. But a new federally backed study shows that juveniles who do time as adults later commit more violent crime than those who are handled through the juvenile courts.

The study, published last month in The American Journal of Preventive Medicine, was produced by the Task Force on Community Preventive Services, an independent research group with close ties to the Centers for Disease Control and Prevention. After an exhaustive survey of the literature, the group determined that the practice of transferring children into adult courts was counterproductive, actually creating more crime than it cured.

A related and even more disturbing study by Campaign for Youth Justice in Washington finds that the majority of the more than 200,000 children a year who are treated as adults under the law come before the courts for nonviolent offenses that could be easily and more effectively dealt with at the juvenile court level.

Examples include a 17-year-old first-time offender charged with robbery after stealing another student's gym clothes, and another 17-year-old who violated his probation by stealing a neighbor's bicycle. Many of these young nonviolent offenders are held in adult prisons for months or even years.

The laws also are not equally applied. Youths of color, who typically go to court with inadequate legal counsel, account for three out of every four young people admitted to adult prison.

With 40 states allowing or requiring youthful offenders to spend at least some time in adult jails, state legislators all across the country are just waking up to the problems this practice creates. Some states now have pending bills that would stop juveniles from being automatically transferred to adult courts or that would allow them to get back into the juvenile system once the adult court was found to be inappropriate for them.

Given the damage being done to young lives all over the country, the bills can't pass soon enough.[1]

II. What consequences result from imprisoning juveniles convicted of status offenses?

Imprisoning status offenders would have many of the same consequences as mentioned above. Additionally, my experience is that many runaways and "ungovernable" children are trying to escape abusive situations. Why would anyone even consider sending a truant youth to a "school of crime and criminal behavior"?

III. What are the most effective ways to decrease the proportion of minorities in the juvenile justice system?

First and foremost, juvenile justice systems must identify this issue as a priority, monitor their policies and practices, engage minority communities in addressing the issue, and strive to recruit and hire staff from these communities. The simple answer is to create more diversion programs for the police and court systems. This would especially be true for urban areas. The larger answer is figuring out how to address at risk kids before they become engaged in more serious delinquent behavior. Allegheny County has recently implemented a new program called Stop Now and Plan. SNAP is an example of an early intervention approach that will work with youth between the ages of six (6) and twelve (12) who have had contact with the police or who have identifiable behaviors that put them at risk to become juvenile offenders. To reiterate, in Pennsylvania only 11% of children receive out of home placement as a disposition for their first delinquent offense. 89% of children are placed on probation for their first offense. The vast majority of these cases close successfully, with no further court appearances.

I would encourage you to review the MacArthur Models for Change—Systems Reform in Juvenile Justice (an initiative supported by the John D. and Catherine T. MacArthur Foundation). MacArthur identified Disproportionate Minority Contact (DMC) is one of four (4) areas for reform in the juvenile justice system. For Pennsylvania, MacArthur's approach entails:

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[1] See also, "Effects on Violence of Laws and Policies Facilitating the Transfer of Juveniles for the Juvenile Justice System to the Adult Justice System" and "Recommendation Against Policies Facilitating the Transfer of Juveniles for Juvenile to Adult Justice Systems for the Purpose of Reducing Violence", American Journal of Preventive Medicine, 2007.

1. a detailed analysis of existing county-level data on delinquency case processing;
2. exposure of deficiencies, inconsistencies, and gaps in the data available;
3. identification of local models of DMC data collection and reporting practice;
4. statewide efforts to promote better DMC data collection and reporting and to better use the data currently available;
5. identification of local jurisdictions and specific decision points for which the data suggest that race or ethnicity may be a factor in decision making; and
6. targeted training and technical assistance in areas where the data reveal significant disparities.

IV. What are the most effective ways to decrease the proportion of individuals with mental illness in the juvenile justice system?

We must improve screening and assessment of youth entering the juvenile justice system and divert as many youth as possible to services within the mental health and/or child welfare systems.

Again, I would encourage you to review the MacArthur Models for Change—Systems Reform in Juvenile Justice. This report states the following:

"In a model system, professionals in the fields of juvenile justice, child welfare, mental health, substance abuse, and education would work collaboratively to produce better outcomes for youth and their families. County agencies and public schools would provide services to young people who misbehave as a result of mental health problems and would not refer them to the juvenile justice system unless their offenses were serious. If such youths were arrested, the juvenile justice system would be able to tap into community-based mental health services. Juvenile probation officers and juvenile court judges would be knowledgeable about adolescent development and mental health and would have access to high-quality assessments and appropriate services. Young offenders' privacy rights would be maintained, and agencies would be able to collect and share information appropriately."

MacArthur has identified the following goals for Pennsylvania: collaboration at the state and county levels, creation of interagency teams to expedite placement and/or delivery of services, adoption of a single multi-system screening and assessment instrument for all youth, promulgation of policies to reduce contact with the juvenile justice system and to divert youth into community-based programs, development of blended/integrated funding, and delivery of evidence-based practices.

V. Are there any conditions of confinement issues, including the availability of education that must be addressed in the JJDPA reauthorization?

I'd like to see something that requires "year round" education in all juvenile correctional/treatment facilities. In addition to education services while a youth is in placement, the reauthorization should be very clear about the value of good reentry planning. A strong statement needs to be made about aftercare both in the community and in school. A connection to work should also be identified and meaningful vocational training, with certification, should be offered.

VI. What role does the judiciary play in your state with regard to the review or approval of release plans of youth offenders?

Unlike many jurisdictions, judges in Pennsylvania must approve the release plans of youth offenders and youth offenders may only be released from placement by order of court.

Additionally, judges are required to hold placement reviews at least every six (6) months to monitor a juvenile's progress in placement. These reviews are judge driven. The following questions should be answered at each review hearing.

1. Is the juvenile making adequate progress in meeting the original goals of the disposition?
2. Have the juvenile, the juvenile's family, the probation department, the staff of the placement facility, and any other service providers done what the court has ordered or expected?
3. Is out of home placement still necessary?
4. Is a modification of the original disposition order needed?
5. What steps have been taken to prepare for the juvenile's return to the community?

If the juvenile is in a Title IV-E reimbursable placement, in addition to the above inquiry, the judge is also required to make formal permanency findings.

Although the judge receives recommendations from the probation officer, the staff from the placement facility, the lawyers, and many others, it is the judge, and only the judge, who determines whether or not a youth has satisfied his or her treatment goals, whether or not the juvenile can be released from placement, and when the juvenile's case is closed.

Chairwoman MCCARTHY. Ms. Garcia.

STATEMENT OF JANET GARCIA, DEPUTY DIRECTOR, ARIZONA STATE OFFICE FOR CHILDREN, YOUTH AND FAMILIES

Ms. GARCIA. Good morning. I am honored to have been asked by Chairwoman McCarthy to speak on behalf of the Juvenile Justice and Delinquency Prevention Act and the link between child welfare and juvenile justice.

As Chairwoman McCarthy mentioned, one of the duties of the Division For Children, which I oversee, is to staff the Arizona Juvenile Justice Commission, which is the Arizona State Advisory Group on juvenile justice as required by JJDPA. I was also a member of the State advisory group for 6 years prior to coming into my current position. So, prior to joining the Governor's Office, I spent over 20 years working with troubled youth and families in the community. My experience allowed me to see firsthand the devastation caused by young people by abuse, abandonment and family disruption to young people and the barriers to improvement caused by a siloed system of services, a challenge throughout the United States.

One of the most consistent programs for youth in my years in the community was the Juvenile Justice Delinquency Prevention Program, and I was happy to see that in the most recent reauthorization of the JJDP Act in 2002, this body recognized the link between child maltreatment and juvenile delinquency and articulated requirements that promote the interaction and coordination of child-serving systems. Unfortunately, the additional priorities coupled with the 55-percent decrease in Federal funding over the last 5 years has hindered efforts by the States to make reforms in this area.

So what is the link between child welfare and juvenile justice? In 2005, there were nearly 900,000 substantiated cases of abuse and neglect in the United States. The Child Welfare League of America's review of the research found that victims of child maltreatment are 59 percent more likely to commit delinquent acts and one-third more likely to commit violent acts as adults. Maltreated children are also more likely to experience a range of mental health, substance abuse, occupational and educational problems during adolescence and adulthood.

A National Council on Juvenile Justice study on Arizona youth found that an incredible 73 percent of youth ages 14 to 17 with an active dependency had at least one delinquency referral. 49 percent were on probation, and 51 percent had been detained. Clearly, we must do better to identify and to divert these children and youth at the earliest possible point.

Arizona has set about making changes in our system to address these issues. In January 2007, the Directors of the Departments of Health Services, Economic Security and Juvenile Corrections and the Chair of the Committee on Juvenile Courts signed the Letter of Agreement supporting duly adjudicated youth and the accompanying framework for interagency practice that was developed by an interagency task force.

In May 2006, the Arizona State Advisory Group and the governor's Division for Children jointly held a child welfare/juvenile justice summit for 15 multidisciplinary county teams and a State

team, out of which the Interagency Coordination and Integration Initiative was established. A set of outcomes and strategies have been developed, and multiple committees are moving forward on priorities, including the publication of an information sharing guide, the organization of data across systems for better service delivery, and the development of prevention initiatives to divert youth from going deeper into the system.

Our county teams have also moved forward with on-the-ground reforms, including that Maricopa County has collocated staff from Probation, Child Welfare and Mental Health at their juvenile detention centers to develop joint plans of service, and Pima County now holds child and family team meetings in the detention centers to move low- and medium-risked youth out of detention with appropriate support. The Arizona State Advisory Group has continued to provide leadership and financial support for these efforts.

I would respectfully recommend that Congress expedite the reauthorization of the JJDP Act, incorporating language being proposed by the Child Welfare League of America and their colleagues to further strengthen and define the expectation for States to address the link between child welfare and juvenile justice, that Congress restore and increase funding of the JJDPA so that States have the resources necessary for studying, planning, implementing, and evaluating coordinated and integrated approaches to service, and finally, that OJJDP work together with national leaders, including CWLA and NCJJ to capture and to disseminate effective strategies from the field for collaboration and integration.

Thank you for your concern about this issue, and thank you for giving me the opportunity to speak this morning.

Chairwoman McCarthy. Thank you, Ms. Garcia.

[The statement of Ms. Garcia follows:]

Prepared Statement of Janet Garcia, Deputy Director, Governor Napolitano's Office for Children, Youth and Families, Director, Division for Children

Good afternoon. I am honored to have been asked by Chairwoman McCarthy to speak on behalf of the Juvenile Justice and Delinquency Prevention Act, better known as the JJDPA, and specifically, to speak on the link between child welfare and juvenile justice.

My name is Janet Garcia and I am the Deputy Director of Arizona Governor Janet Napolitano's Office for Children, Youth and Families (GOCYF) and the Director of the Division for Children (DFC). The overall mission of GOCYF is to keep Arizona's Families Safe, Strong and Prosperous. In addition to the Division for Children our office includes the Division for School Readiness, the Division for Substance Abuse Policy, the Division for Women and the Division of Community and Youth Development. The Division for Children's purpose is to work to promote a coordinated and integrated system of care that responds quickly and comprehensively to the needs of children, youth and families with focus on those with involvement in state services. One of the duties of the Division for Children is to staff the Arizona Juvenile Justice Commission, which is Arizona's State Advisory Group (SAG) on Juvenile Justice as required by the JJDPA. This Commission is comprised of 24 members appointed by the Governor, each of whom has training, experience and special knowledge concerning the prevention and treatment of juvenile delinquency and the administration of juvenile justice. Our membership includes representation from juvenile justice agencies, other child- and family-serving agencies, private non-profit organizations, locally elected officials, citizen-volunteers and youth. For the six years prior to joining the Governor's Office, I served as a member of Arizona's SAG representing community-based agencies.

Prior to joining the Governor's Office, I was the Executive Director of Tumbleweed Center for Youth Development (Tumbleweed). Tumbleweed is a community-based, non-profit agency located in central Phoenix and serving runaway, homeless, abused

and delinquent youth and their families. I spent 20 years at Tumbleweed, first as a direct service provider, then as a program manager and, for 15 years as the Executive Director of the agency. My experience at Tumbleweed allowed me to see first hand the devastation caused to young people by abuse, abandonment and family disruption. I also was privileged to witness the incredible strength and resilience as well as the tenacity of hope in many of youth and families who passed through our doors. Many of the youth and families served had multiple challenges that required assistance from multiple systems. A frequent frustration for youth, families and the staff members supporting them was the often siloed systems that provided piecemeal assistance and sometimes set forth contradictory expectations that made success elusive. This experience of a fragmented system represents a microcosm of the experience of children, youth and families in need and those who assist them throughout the United States.

Inclusion of coordination requirements in 2002 reauthorization of the JJDPA

One of the most consistent programs in my years in the community and before was the Juvenile Justice Delinquency Prevention Program, both the Title II program and the Runaway and Homeless Youth Program. I was delighted to see that in the most recent reauthorization of the act in 2002 this body recognized the link between child maltreatment and juvenile delinquency, recognized the need for systems to coordinate to address the complex needs of our most at-risk children and families and articulated requirements that promote the interaction and coordination of these systems including that:

- States, to the maximum extent possible, must establish policies and systems to incorporate relevant child protective services records into juvenile justice records for the purpose of establishing and implementing treatment plans for juvenile offenders.
- States must ensure that juvenile offenders whose placement is funded by Title IV-E Foster Care receive all the protections included the foster care system, including a case plan and a case plan review.
- The federal government will study juveniles who were under the care or custody of the child welfare system or who are unable to return to their family after completing their disposition in the juvenile justice system. The study shall include an examination of the extent to which state juvenile justice systems and child welfare systems coordinate services and treatment, the federal and local sources of funds for placements and services, and local sources of funds for placements and services, and the barriers faced by states in providing services to these juveniles.

In addition to these provisions, the 2002 JJDPA reauthorization broadens the categories available to states to fund juvenile delinquency prevention and treatment. Unfortunately, the additional priorities coupled with the 55% decrease over the last five years in federal funding to the states for improvement of their juvenile justice systems has led to states being forced to choose between important funding priorities. Progress in reforming state systems to better integrate and coordinate systems has undoubtedly been hindered by the presence of fewer resources to not only maintain compliance with ongoing mandates but to address additional requirements.

What is the link between child welfare and juvenile justice?

The Child Welfare League of America (CWLA) has recognized the undeniable link between child maltreatment and juvenile delinquency and has accepted the mantle of leadership in addressing the need for improved cooperation between systems for the achievement of better outcomes for youth and families involved in multiple systems. A survey of the research conducted by CWLA documents the long-term consequences of child abuse and neglect including the increased likelihood of abused and neglected youth being involved in the juvenile justice system.

In 2005, there were just less than 900,000 substantiated cases of abuse and neglect in the United States. As disturbing as these official figures are in describing the human tragedy, they mask the real toll of child abuse and neglect in the country. The research presented in CWLA's work, Understanding Child Maltreatment and Juvenile Delinquency: From Research to Effective Program, Practice, and Systemic Solutions provides undeniable evidence that victims of childhood maltreatment often enter the juvenile justice system and become tomorrow's serious and violent offenders. Our nation's maltreated children are not only more likely than other children to commit delinquent acts as adolescents and crimes as adults, but they are also more likely to experience a range of mental health, substance abuse, occupational, and educational deficiencies during adolescence and adulthood. Though many of these children demonstrate a remarkable resiliency and can grow up to be productive adults, credible research reflects that abused and neglected children are

nearly one-third more likely to be arrested for violent crimes later in life. These youth are 59% more likely to commit delinquent acts than non-maltreated youth.

Arizona is fortunate to have been the site of one of the only comprehensive efforts to drill down further on this issue by studying dual jurisdiction youth. That is, youth who have been declared dependent due to abuse, neglect or abandonment and who have also been found delinquent by the juvenile court. The Arizona Dual Jurisdiction Study (Executive Summary Attached) was conducted by the National Center for Juvenile Justice for the Arizona Supreme Court, Administrative Office of the Courts, Dependent Services Division.

For the study, summary information on each child's involvement with the court was extracted from the Juvenile On-line Tracking System for all juveniles with active dependency, delinquency or status referral/petition in state FY2002 (7/1/01 through 6/30/02) for four of Arizona's fifteen Counties, two urban and two rural, representing over 80% of the states population. Data was available on each case through August 2003. Some of the findings of the study include:

1. Youth with histories of court involvement on dependency matters are twice as likely to recidivate if referred on a delinquency offense as juveniles with no history of dependency court involvement (62% vs. 30%)

2. In contrast to general population juveniles where girls are less likely to recidivate than males, girls with dependency court involvement are as likely as their male counterparts to re-offend.

3. Seventy-three percent of youth ages 14—17 with an active dependency had at least one delinquency referral, 49% were on probation and 51% were detained at some point.

4. Dual jurisdiction youth tend to start their delinquency careers earlier and have a more extensive and serious delinquency history than court youth without dependency court involvement.

This study of Dual Jurisdiction youth did not specifically address differential impact by race and ethnicity; however, it is clear that youth of color are over-represented in the child welfare system and the juvenile justice system. It is also clear that this over-representation increases at the deep end of the juvenile justice system just as it does for youth with involvement in the dependency system. NCJJ has proposed to OJJDP a follow up study that would include a closer analysis of race and ethnicity of dually adjudicated youth.

Clearly, children who suffer maltreatment are more likely to become involved with the juvenile justice system. They are also more likely to need support services from other child serving agencies that provide mental health and supported education services. We must take ownership of this problem, fully acknowledge the consequences, and develop collaborative, multi-system solutions to prevent child abuse and neglect and interrupt the costly trajectory—in human and financial terms—of these children as they digress toward a lifetime of delinquency and adult criminality.

Another major research project that is supported by OJJDP funding, Pathways to Desistance for Serious and Violent Offenders is looking at factors that contribute to the trajectory of offending in a cohort of 1,200 youth (now young adults) from Maricopa County, Arizona and Philadelphia, Pennsylvania. Principle investigator Dr. Edward Mulvey and his research team are currently gathering data from the child welfare system at both sites with the intent to analyze the effect of child welfare involvement on delinquency and criminal behavior of individuals in the study. This effort will provide additional valuable information on the effect of maltreatment on delinquency and on adult criminal behavior.

National efforts to address the link between child welfare and juvenile justice

Based on the research, including the findings of the Arizona Dual Jurisdiction Study, the National Center for Juvenile Justice (NCJJ) has published a Special Project Bulletin, When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases, (attached) that makes a compelling case for coordinated multi-system interventions that interrupt this remarkably costly trajectory for our nation's most disadvantaged youth. In the bulletin, the authors outline five areas in which child welfare and juvenile justice agencies can work to coordinate and improve their services for dual jurisdiction youth. These include:

- Screening and assessment
- Case assignment
- Case flow management
- Case planning and supervision, and
- Interagency collaboration

CWLA, through the support of the John D. and Catherine T. MacArthur Foundation, has developed the Child Welfare and Juvenile Justice Systems Integration Ini-

tiative (summary attached). The initiative provides consultation and technical assistance to juvenile justice, child welfare, and other relevant youth-serving organizations and agencies regarding the connection between child maltreatment and juvenile delinquency, and the need for an integrated approach to programs and services. The initiative uses a four-phase framework for strategic planning that is designed to improve outcomes for dual jurisdiction youth and families or those who populate multiple youth systems. The effort is designed to develop reformed statutes, policies, procedures, protocols, and practices that will lead to improved outcomes. The CWLA framework, articulates the many issues in which CWLA focuses its consultation, training and technical assistance. These include:

- Mobilization & Advocacy
- Establishment of Governance & Structure
- Multi-system Data Collection & Management
- Information Sharing & Confidentiality
- Coordination of Funding Resources
- Multi-system Screening and Assessment
- Legal & Policy Analysis (federal, state, and local)

Arizona's efforts at integration and coordination between child services systems

In December 2004, in response to the NCJJ report on Arizona's dual jurisdiction youth, the Governor's Division for Children took the lead in organizing an interagency taskforce to develop an agreement and framework for working together to provide coordinated, integrated services to youth and families involved in multiple systems. The group included representatives for child welfare, mental health, the courts, probation, parole and family members. Policy makers and practitioners as well as state and local representation were sought. The Division for Children, Youth and Families within the Arizona Department of Economic Security provided ongoing staffing and leadership to bring this diverse group of individuals together to develop the Letter of Agreement Supporting Dually Adjudicated Youth and the accompanying Framework for Interagency Practice Protocol. (A copy is included in the appendix.) In January 2007, the Directors of the Departments of Health Services, Economic Security and Juvenile Corrections signed the agreement as did the Chair of the Committee on Juvenile Courts. This landmark document sets out an agreement between Arizona's primary child serving agencies to increase integration and collaboration and sets out a framework by which this system improvement will occur.

Another major effort to better integrate and coordinate our child serving system was launched in May 2006 when the Arizona SAG and the Governor's Division for Children jointly held a Child Welfare Juvenile Justice Summit. At our invitation, multidisciplinary teams from each Arizona county and a state-level team—totaling nearly 250 attendees—gathered together to participate in a learning and planning Summit to help promote greater integration in the provision of services to children and families in their communities. The Child Welfare League of America provided training in their planning Framework at the Summit and has continued to provide invaluable technical assistance as we have moved forward with the planning and implementation of Arizona's model. The Summit, supported by funds administered by the Arizona SAG, led to the official establishment of the Interagency Coordination and Integration Initiative, which is currently working to (1) identify youth and families at-risk for multiple systems involvement earlier, (2) provide more comprehensive and effective services, and (3) cultivate improved outcomes for children and youth who are at-risk for, or who have experienced maltreatment. A set of outcomes and strategies (copy attached) have been developed from which a blueprint for action is being completed. Parallel to the completion of the blueprint, multiple committees are moving forward to take action on some of the priority items including:

- The Letter of Agreement is being disseminated and discussed across the state to staff at all levels. A training curriculum is being developed combining in person and web-based approaches.
- An information sharing guide patterned on the guide produced in King County, Washington is being developed to clarify the guidelines for sharing information between systems that both protects confidentiality and dispels common myths that restrict the flow of important information.
- Methods are being developed to find and organize data across systems so that direct service workers have the information necessary to appropriately serve youth and families and so that we have the information necessary to evaluate the effectiveness of our efforts on behalf of these youth and families.
- We are looking at ways to prevent penetration of youth deeper into the child welfare, mental health and juvenile justice systems including:

–Identification and support of younger siblings of our highest risk youth to prevent the trajectory of these younger siblings into the system.

–Joint training of agency and community provider staff on adolescent development and principles of positive youth development.

–Updating of licensing and contract regulations to reflect current best practice approaches including strength-based service and positive youth development approaches.

While the state team has gone about identifying and addressing barriers to integration, we have remained aware that the actual activities of integration and coordination happen at the local service level. Therefore, it is most encouraging that in many areas of our state, local teams are moving forward with specific changes in policy, procedure and practice to better serve youth involved in multiple systems. Ten of Arizona's fifteen Counties have interagency teams that continue to meet to address issues and develop processes to work together for better outcomes for youth and families. Some of the activities of the County Teams include:

• Maricopa County now has co-located staff from Probation, Child Welfare and Mental Health at each of the two juvenile detention centers. These teams work together to develop case plans to divert status offending and incorrigible youth out of the delinquency court.

• Pima County now holds Child and Family Team meetings in the detention centers to move low and medium risk youth out of detention with support systems in place to lower the risk of return.

• Cochise, Graham and Greenlee Counties, three contiguous rural counties in southeast Arizona, have developed a formal agreement regarding how staff from different child serving agencies and across county boundaries will interact with one another to present a seamless system of care to youth and families.

• Pinal County has partnered with the Governor's Division for Children to obtain a pilot grant from the federal Shared Vision for Youth Partnership to implement a pilot program called Partners Assuring Youth Success (PAYS) providing peer mentoring and work force skill development to youth aging out of the child welfare and/or juvenile justice system to improve employment outcomes for enrolled youth.

The Arizona SAG has continued their commitment to this effort and to the engagement of local communities through committing funding for 'mini-summits' planned by interested local teams to assist them in moving forward local initiatives to better integrate and coordinate services. Casey Family Programs has agreed to match SAG funding to allow more counties this opportunity.

Challenges

• While the work of this Initiative has been extremely rewarding and valuable, long term change involves changing organizational cultures around sharing of information and collaboration of effort. It has been important to look for and celebrate short-term wins on what must be a sustained journey.

• Categorical funding requirements create barriers to coordination and integration of services and can create competition between agencies for use of limited resources.

• Decentralized systems including Arizona's mental health system and education system require the engagement of multiple entities with sometimes diverse opinions and approaches.

Recommendations

1. Congress should expedite reauthorization of the Juvenile Justice Delinquency Act incorporating language being proposed by the Child Welfare League of America and their colleagues to further strengthen and define the expectations for states to address the link between child welfare and juvenile justice.

2. Congress should restore and increase funding of the JJDPA so that states have the resources necessary for studying, planning and implementing and evaluating coordinated and integrated approaches to service.

3. OJJDP should work together with national leaders addressing the link between child welfare and juvenile justice including CWLA and NCJJ to capture and disseminate effective strategies from the field for collaboration and integration.

[Ms. Garcia's responses to questions for the record follow:]

GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES,
State of Arizona, October 1, 2007.

Committee on Education and Labor, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MILLER AND CHAIRWOMAN MCCARTHY: Thank you for the opportunity to testify before the U.S. House of Representatives Education and Labor Committee, Subcommittee on Healthy Families and Communities. Below are my answers to the additional questions posed by Representatives Scott, Grijalva and Yarmuth. I have attached supporting documents where appropriate. Please let me know if I can be of any further assistance.

The following five responses address Representative Scott's questions.

Question: What consequences result from imprisoning juveniles with adults?

Imprisoning juveniles with adults does not improve public safety, nor does incarceration with adults help youth make an appropriate transition to adulthood. A 2000 publication from the U.S. Department of Justice, Bureau of Justice Assistance titled Juveniles in Adult Prisons and Jails reported that youth held in adult jails are five times more likely to be the victims of sexual attacks and eight times more likely to commit suicide than youth held in juvenile institutions.

While I served as the Executive Director of Tumbleweed, a community-based, nonprofit agency serving runaway, homeless, abused and delinquent youth and their families, I participated as a member of the Juvenile Justice Advisory Committee in October 2001 convened by the Children's Action Alliance (CAA). The Committee examined issues surrounding the transfer of juveniles to adult court and explored options for system improvement. The purpose of the Committee was to identify key issues surrounding the treatment of juvenile offenders as adults and help CAA set priorities for future juvenile justice advocacy efforts that could be initiated to promote positive changes. CAA ultimately produced a report, Prosecuting Juveniles in the Adult Criminal Justice System that includes the data from interviews and site visits to county jail facilities in Maricopa and Pima counties. The findings from that report include:

- Services for youth prosecuted as adults are extremely limited at the national and state levels—largely because facilities and agencies designed to serve adults do have not have the capacity to address the unique needs of adolescents. For example, even though Pima County Adult Probation Department estimated that at least 80% of juveniles had diagnosed mental disorders, counseling services were extremely limited.
- Adult jails in Arizona are not equipped to respond to the special needs of juveniles. There were many reasons for this, including the extra costs associated with providing age-appropriate or developmentally-appropriate services. At the Madison Street Maricopa County jail, education programs were limited to 3 hours per day and did not provide an option for obtaining a diploma.
- There is extremely limited training for jail personnel related to juvenile issues and needs. Some law enforcement and jail personnel were reluctant to accommodate the needs of youth in jails because they believed that harsher conditions would lead to more deterrence. However, in my experience, and as the recent adolescent development research confirms, adolescents do not rationally consider the consequences of their actions before acting. Rather, harsh environments contribute to youth problems.

A national publication produced by the Bureau of Justice Assistance entitled Juveniles in Adult Prisons and Jails: A National Assessment, released in 2000. The major findings of that report are: 1) approximately 107,000 youth under age 18 are incarcerated on any given day. Of these approximately 14,500 are housed in adult facilities; 2) the actual number of youth who experience incarceration in an adult prison is much higher than the 1-day count, with an estimated 13,876 juvenile state prison admissions in 1997; and 3) few states operate programs specifically designed to meet the needs of youthful offenders. The key recommendations of that report are for states to develop specialized programs that will be responsive to meet the developmental needs of youthful offenders, and to enhance the expertise and training for staff working with youth. I would propose that these activities are best accomplished by keeping youth in the juvenile justice system with strong training and support for staff in that system to provide developmentally appropriate services that enhance positive outcomes for youth and for the community.

Question: What consequences result from imprisoning juveniles convicted of status offenses?

The Arizona State Three-Year Plan for addressing JJDPA priorities includes an emphasis on the use of home and community-based care for status offenders and

bolstering overall use of alternatives to detention. We see school success and family engagement as paramount in improving the life circumstances of vulnerable and at risk youth. Out of home placement or use of detention disrupts a children's sense of well being as well as his/her educational progress. Sadly, too, youth of color are more often detained than their white counterparts.

Detention in general, and particularly for status offenders, has been widely shown to be destructive rather than productive. Nearly 70% of detained youth are held in facilities operating above capacity, nationwide. Under such conditions, discipline can become unduly harsh; education and medical and mental health treatment are often meager. Among youth in crowded detention facilities, there are a high number of reports of suicidal behavior, as well as stress-related and psychiatric illness. The Annie E. Casey Foundation's review of research on the effects of detention on youth has found that rather than being a deterrent to delinquency, multiple confinements in detention is a powerful predictor of future delinquency with more predictive certainty than weapons charges, gang membership or poor parenting.

Here in Arizona we have turned to evidenced-based models, such as the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) which provides states and communities—including ours—with tools to reduce reliance on secure confinement and to provide appropriate detention alternatives for status offenders. There are now approximately 75 JDAI sites in 19 states and the District of Columbia.

In Arizona, Pima County (Tucson area) is a participating JDAI site and has been highly successful in lowering the numbers of youth in detention without negatively impacting recidivism or failure to attend court hearings. Between 2003 and 2007 Pima County Juvenile Court has lowered the average daily population in detention from 173 to 127. They have revised their intake screening tool to assure that the instrument is objective and focused on the youths risk to the community. They have created strong partnerships with the mental health and child welfare system so that youth are not detained due to unaddressed mental health or dependency issues. They have, in partnership with community providers, opened a range of community alternatives including an Evening Reporting Center for youth on Intensive Probation, and a diversion program for youth referred on minor domestic disturbance charges. The Pima County site and other sites around the country can act as models for other jurisdictions in the country on reforming our system so that detention is used only to assure public safety and assure youth appear at court hearings, its original and legitimate purposes.

New York-based Vera Institute of Justice's Center on Youth Justice has also made inroads in addressing status offenses by increasing objective decision-making in status offense processes. In 2002, New York State contracted with Vera Institute to improve systems and services for status offenders and their families in 23 counties. Several counties have now taken steps to refine their intake processes to incorporate more immediate crisis intervention, develop programmatic alternatives to non-secure detention and foster care placement, and provide more supportive services to status offenders and their families—especially truants—in lieu of court intervention. Momentum generated from these local reforms prompted the state to pass amendments to New York's Family Court Act in 2005 that enhance diversion requirements for status offenders and narrow the circumstances under which status offenders may lawfully be detained, see *www.verainstitute.org*.

Question: Effective ways to decrease proportion of minorities in the juvenile justice system?

Youth of color have been found to be overrepresented at nearly every point of contact with the juvenile justice system—and the finding is disturbingly persistent over time. The disparities are most pronounced at the arrest stage but the effects tend to accumulate through each subsequent processing stage, subtly amplifying the original differences, so that the racial and ethnic make-up of a "deep-end" commitment facility (juvenile corrections institution or adult prison) at the end of the line is often grossly disproportionate to that of the youth population at large. Whether these stark inequalities are the result of biases in decision-making, social or economic differences that are merely correlated with race and ethnicity, or more complex structural factors—such as the availability of resources, services, and alternatives in some communities and not others—they are unacceptable in a democratic society.

The W. Haywood Burns Institute is currently working in multiple jurisdictions across the country including Pima County, Arizona is a leader in addressing issues related to Disproportionate Minority Confinement. In May 2004, Pima County Juvenile Court and community stakeholders began a collaborative effort to eliminate disparate treatment and improve outcomes for minority youth involved in the juvenile

justice system in conjunction with their Juvenile Detention Alternative Initiative. Essential to the success of their initiative, has been their development and implementation of a strategic plan that included five goals, specific objectives to achieve those goals, concrete action steps, and clear timeframes for action. Pima Counties Plan and recent accomplishments can be viewed on their website at *http://www.pcjcc.pima.gov/jdai/jdai.htm.*

The Building Blocks for Youth Initiative for Youth 2005 Publication No Turning Back (Executive Summary Attached) enumerates some of the promising approaches to addressing DMC including:

- Advocates should intentionally focus on racial and ethnic disparities.
- Solid research and relevant data are powerful tools for reform.
- Effective reform usually requires multiple strategies.
- Media advocacy can be a powerful tool to level the playing field
- Success can be measured in multiple ways including the central goal of eliminating disparity but also including reduction in overall rates of incarceration so that result in fewer youth of color being detained, changing allocation of funding to better address DMC, and amending laws the disparately effect youth of color.

Attached is a report from JDAI explaining the process for addressing racial disparities, Pathway 8: Reducing Racial Disparities in Detention.

Question: What are the most effective ways to decrease the proportion of individuals with mental illness in the juvenile justice system?

The National Center for Mental Health and Juvenile Justice recently released, Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System (attached). The Blueprint is the first ever systematic review of the juvenile justice system in its entirety—from intake to re-entry—to identify ways in which mental health service delivery strategies can be strengthened. The bottom line presented in the report is not complicated:

- Stronger partnerships are needed between the juvenile justice and mental health systems.
- Improved and systematic strategies are needed for early screening and assessment of youth coming into contact with the system so that mental health issues are accurately identified.
- Enhanced diversion opportunities are needed so youth with mental health needs can be treated in the community; and
- Juvenile justice agencies need increased access to effective mental health treatment.

The report also sets forth nine principles that could be adopted in the JJDPA as guiding principles for jurisdictions addressing mental health issues in juvenile justice. These principles include:

1. Youth should not have to enter the juvenile justice system solely in order to access mental health services or because of their mental illness.
2. Whenever possible and when matters of public safety allow, youth with mental health needs should be diverted into evidence-based treatment in a community setting.
3. If diversion out of the juvenile justice system is not possible, youth should be placed in the least restrictive setting possible, with access to evidence-based treatment.
4. Information collected as part of a pre-adjudicatory mental health screen should not be used in any way the might jeopardize the legal interests of youth as defendants.
5. All mental health services provided to youth in contact with the juvenile justice system should respond to issues of gender, ethnicity, race, age, sexual orientation, socio-economic status, and faith.
6. Mental health services should meet the developmental realities of youth.
7. Whenever possible, families and/or caregivers should be partners in the development of treatment decisions and plans made for their children.
8. Multiple systems bear responsibility for these youth. While at different times, a single agency may have primary responsibility, these youth are the community's responsibility and all responses developed for these youth should be collaborative in nature, reflecting the input and involvement of the mental health, juvenile justice and other systems.
9. Services and strategies aimed at improving the identification and treatment of youth with mental health needs in the juvenile justice system should be routinely evaluated to determine their effectiveness in meeting desired goals and outcomes.

Question: Are there any conditions of confinement issues, particularly regarding availability of education that must be addressed in the JJDPA reauthorization?

In reauthorizing the JJDPA, Congress has the opportunity to raise awareness of the importance that conditions of confinement have in maintaining the safety and wellbeing of youth. Arizona has very personal experience in this regard having been investigated by the US Department of Justice under the Civil Rights of Institutionalized Persons Act (CRIPA) in June 2002 as a result of inadequate attention to the conditions of 3 of our juvenile institutions. Evidence of abuse was found as well as inadequate facilities, educational programming, and mental health services.

Once the conditions were brought to light, however, Arizona cooperated with the Justice Department to make substantial improvements such that on September 21, 2007, the U.S. Department of Justice dismissed the case against us. Although Arizona is no longer under investigation, we will remain vigilant and ensure that conditions do not deteriorate. JJDPA can provide leadership in raising the awareness of proper conditions of confinement, so that states are more aware of the dangers that lurk in their institutions and vigilant about protecting the rights of some of their most vulnerable youth. If the JJDPA included specific recommendations for proper conditions, such as those included in the JDAI Self-Assessment Practice Guide, I believe youth incarcerated in institutions across America would benefit. Alternatively, the JJDPA could offer states incentives to create independent monitoring offices to identify harmful conditions in their juvenile facilities. The establishment of independent state monitoring authorities with sufficient power to require changes where harmful practices are found could ensure that youth are not housed in unsafe and detrimental environments.

Beyond protecting youth from dangerous situations it is important that we provide quality education, mental health and skill building services to youth during their period of confinement so that the potential for successful reintegration is enhanced. It has been established that detention and incarceration interrupts normal development and distance youth from the positive institutions in the community. It is crucial that we do not further disadvantage youth by allowing them to lag further behind in educational achievement and allowing mental health issues to go unaddressed.

The following response addresses Representative Grijalva's question.

Question: I am developing legislation to authorize a reentry formula grant program to states to support pre-release planning and reentry services targeted to youth offenders. Would such funds be helpful to your state?

Yes, funds to support pre-release planning and reentry services would be very helpful to Arizona.

National research indicates that the recidivism rate for juvenile parolees ranges from 55 to 75 percent. An Arizona Department of Juvenile Corrections study found that 44% of youth released from a department facility in 1999 had re-entered an Arizona state facility (returned to Juvenile Corrections or entered Adult Corrections) within 36 months of release.

With approximately 100,000 youth with significant mental health, substance abuse, educational and behavioral needs as well as normal developmental needs, returning to the community from residential placement each year successful reintegration is a challenge for across the country. Unfortunately, most of the resources have been focused on the period of time that youth incarcerated in a facility with inadequate attention to the pre-release planning and reentry to the community.

A review of The MacAruthur Foundation Models for Change Pennsylvania site publication on Aftercare and the National Center for Mental Health and Juvenile Justice Publication Critical Intervention Point: Re-entry indicates a consistent set of principles and priorities necessary for successful reintegration of youth into the community including:

- Strong collaboration at the state and county levels to align institutional treatment planning and programming with reintegration and programs and services
- Timely, accurate information exchange
- Enhanced training for institutional staff and community providers in content areas crucial to healthy youth development and successful post-institutional adjustment including the need for a graduated system of responsibility and freedom
- Training and other support to help system, community and family players advocate effectively for aftercare and planning services
- Continuous and consistent access to services
- Coordination of efforts to re-enroll young offenders in school
- Support for more uniform monitoring of aftercare planning and service provision

The importance of each of these principles has been borne out in my 20 years of experience in the community and should be considered for inclusion in legislation. When the above principles are applied and youth succeed in complete a basic edu-

cation program, develop basic job skills and develop sustained positive relationships with caring adults the potential for success increases exponentially.

After three years of intensive work to improve conditions in the institutions under the Department of Justice, Civil Rights of Incarcerated Persons agreement, Arizona is committed to maintaining the gains accomplished in our facilities but also to turning attention to building stronger reintegration services. Support in the form of a formula grant would assist us in comprehensively addressing this issue.

The following six responses address Representative Yarmuth's questions. Note: Question 7 is a repeat of question 2 on Representative Yarmuth's list.

Question: In your written testimony you discuss the fact that it is clear that children of color are overrepresented in the child welfare system and the juvenile justice system. You continue on to discuss the deep end of the JJ system. Can you elaborate on what you mean be deep end in the JJ system and discuss the correlation?

Multiple national research studies have found that children of color are over-represented in both the child welfare and the juvenile justice system. This over-representation escalates as the level of intervention intensifies.

Youth of color are increasingly over-represented in the juvenile justice system as the intensity of intervention increases. And Justice for Some, a publication (attached) of the Building Blocks for Youth Initiative, documents that while representing just 34% of the United States population in 1997, minority youth represented 62% of the youth in detention, 67% of youth committed to juvenile corrections facilities and 75% of youth admitted to adult prisons (the deepest end of the system). Over-representation has consistently been documented when controlling for a wide range of factors including severity of offense and prior offenses.

In the child welfare system children of color are more likely to be the subject of reports of abuse, more likely to be assigned for investigation and when abuse is substantiated more likely to be placed in out-of-home care. The gap is largest between African-American and Caucasian children with the United States Children Bureau reporting that in 1997 56% of African American children receiving child welfare services were in out-of-home settings such as foster homes while 72% of Caucasian children received services in home. This over-representation of children in out-of-home care in the child welfare system is significant to the juvenile justice system because, as the National Council for Juvenile Justice Study of Arizona youth found, youth in out-of-home care were more likely to become involved in the juvenile justice system and more likely to penetrate more deeply into that system.

Question: Can you go into detail on some of the barriers experienced by AZ as it attempts to integrate the child welfare and JJ systems, and what role, if any, the Federal government can play in helping states break down these barriers?

The juvenile justice, child welfare, mental health and education systems are all discrete systems in Arizona with separate missions, visions and goals. The juvenile justice system is further bifurcated into the County Court and Probation system and the Arizona Department of Juvenile Corrections (ADJC) with youth committed to the state for institutionalization and treatment when problems escalate.

Some of the separation of duties and responsibilities is necessary to accomplish the complex set of responsibilities we have for our children. However, when children, youth and families are involved in multiple systems, it is also important for individuals to various systems to communicate and coordinate so that services of non-duplicative, non-contradictory and comprehensive but manageable. When systems do not work together it is common for children and their families to have conflicting case plans, conflicting appointments, overwhelming schedules of expectations and to consequently become discouraged and overwhelmed.

The Federal government can assist in breaking down barriers by:

- Providing direction to states on what information can be shared and with whom
- Relaxing restrictions on funding so that some funds can be pooled together to address complex cases in a comprehensive manner
- Re-examine funding rules that reward the placement of dependent children and youth in out of home care settings and provide disincentives for in-home services and relative placements despite current research that consistently shows children and youth have better outcomes when families can be kept intact or, when this is not possible relatives are utilized as an alternative placement.
- Including in the JJDPA specific expectations that state systems develop information sharing policies and institute policies regarding the coordination of cases across systems
- Restore and increase funding for JJDPA authorized programs so that states have adequate resources to develop, implement and evaluate coordination and integration initiatives.

Question: In your written testimony you presented statistics from the Arizona Dual Jurisdiction study which you believe has shown that children who suffer from dependency issues are more likely to have negative juvenile justice outcomes than non-dependent youth.

• *Do you believe enough is currently being done to treat dependency issues among the juvenile population either in detention or in probation?*

No. Outcomes for youth with dependency issues who are involved in the juvenile justice system are consistently worse than for youth without dependency issues. Increased special attention is necessary to address the special needs of this population.

• *What more could be done at the federal level to deal with dependency issues in the juvenile justice system?*

1. Emphasize early, comprehensive assessment for children and youth consistent across systems so that the needs of the child and family are fully understood.
2. Support family involvement and home-based services in accordance with effective practice
3. Support expanded substance abuse treatment for parents and for youth to prevent family disruption and/or minimize the length of separation
4. Support the development of model information sharing guides (such as the King County Guide attached) that set out the parameters for sharing information under federal law and provide a blueprint for incorporating state guidelines.

Question: In your written testimony, you mention the need for interagency collaboration between the child welfare and juvenile justice communities.

• *Are there any privacy issues involved in these kinds of collaborations?*

• *Under what circumstances should juvenile justice practitioners have access to child welfare case-files that include medical histories?*

Yes, privacy issues must be considered when engaging in collaborative efforts. However, laws concerning confidentiality allow for sharing of information between professionals when doing so is in the best interest of the child. This, along with protecting a child's right to due process should be the guidelines by which we decide when juvenile justice professionals have access to files including medical information. We are finding that often, the failure to share information is due to a lack of understanding of the parameters of confidentiality. An important part of the collaborative process is to develop and publish and train staff on clear guidelines for information sharing across systems. Arizona is currently developing such a document modeled after the King County, Washington Information Sharing Guidebook (attached).

Question: How can the Federal government help to address the decentralized systems that engage multiple entities in the care of children with diverse goals and procedures, if possible?

• Examine federal funding streams to eliminate disincentives and create incentives for sharing resources across systems

• Establish expectations and incentives for collaboration and integration across systems

• Support research and technical assistance to states and localities to accomplish system re-structuring and re-training of the workforce

Question: In your written testimony, you list 7 items that lead to improved outcomes for children in both the child welfare and JJ systems. I'd be interested in learning if you feel that the Committee should explore including such activities in JJDPA, and if so which ones and how might we do so?

I believe you are referring to the steps articulated in the Child Welfare League of America Framework for Coordination and Integration listed on page 7 of my original testimony. If this is correct, I would suggest that the ideas behind these steps be incorporated into the JJDPA but that a requirement to utilize this model exclusively would be too restrictive to state and local entities addressing this issue. Inclusion of expectations that states address multi-system data collection, information sharing, coordination of funding resources, cross-system screening and assessment and integrated case planning and management along with appropriate resources and support to accomplish these tasks should be included in the JJDPA.

Sincerely,

JANET GARCIA, *Deputy Director GOCYF,*
Director Division for Children.

[Additional materials submitted by Ms. Garcia follow:]

[Letter of agreement supporting dually adjudicated youth and their families in Arizona follows:]

Letter of Agreement

Supporting Dually Adjudicated Youth and their Families in Arizona

The undersigned Arizona partners are committed to helping at-risk youth in Arizona reach their highest potential by supporting them, and by strengthening their families and communities. In order to fulfill this mission, the partners will demonstrate continued support for and commitment to implementation of the Interagency Practice Protocol for services to Dually Adjudicated Youth and their Families. The partners agree that:

1. Partnerships based on interagency collaboration and family involvement are essential to the timely and effective delivery of services to youth and families.
2. Arizona requires a sustained and effective statewide collaboration between professionals and family members to fully address the complex needs of dually adjudicated youth and their families.
3. Effective collaboration and partnerships will result in:
   - Better coordinated responses to youth involved in child welfare, behavioral health, juvenile justice systems and family support agencies;
   - Fewer moves and placements of youth in out-of-home care;
   - Increased number of youth living in home-like and community-based settings geared to ensure the child's success;
   - Reduced frequency of delinquent behavior;
   - Reduced number of younger siblings who enter the juvenile justice system;
   - Strengthened youth and families; and
   - Safer communities.
4. Early identification and intervention will:
   - Reduce the number of children in out-of-home care who are experiencing delinquency problems;
   - Reduce the risk of abuse and neglect to children in families experiencing multiple stressors; and
   - Reduce the number of children who have suffered abuse and neglect and who later become involved in delinquent activities.
5. Continuous education and training will be required to partner agency staff, administrators, youth and families, as well as the public in general.
6. The Framework for Interagency Practice Protocol is designed to create expectations for all state, county and local offices that are implementing agency specific procedures.
7. Partner agencies, including our own, may have legal mandates and/or may manage specific entitlements on behalf of qualifying individuals. All signing agencies understand that such entitlements and mandates are part of what their respective agencies offer to at-risk children and their families. Services and supports that are covered by an agency's entitlement programs or legal mandates will be provided by that agency when indicated and are the financial responsibility of that agency. Behavioral health services must be consistent with best practice, medical necessity, and for services that require prior authorization criteria must be met.

8. Each participating partner agency will strive to develop and maintain adequate capacity to meet the identified needs of their legally mandated and/or entitlement services.
9. Each participating partner agency is committed to developing systemic changes to support the Framework for Interagency Practice Protocol.
10. Each participating partner agency is committed to ensuring that all staff/contractors are familiar with and follow this Protocol.
11. Nothing in this agreement is intended to negate any existing Memoranda of Understanding (MOUs), Intergovernmental Service Agreements (ISAs), regional letters of agreement or cross-system protocols. This agreement is, instead, intended to support and complement such existing agreements.
12. This agreement will be reviewed at least yearly by the Dually Adjudicated Steering Committee and revised as necessary, based on the recommendations of the participating partner agencies by agreement of the undersigned:

Director/Designee Arizona Department of Health Services	1/3/07 Date
Director/Designee Arizona Department of Economic Security	1/3/07 Date
Director/Designee Arizona Department of Juvenile Corrections	1/03/07 Date
Chairman/Designee Committee on Juvenile Courts	1/5/07 Date

We value our supporting partners who include:
Children's Action Alliance
Arizona Center for Law in the Public Interest
MIKID
Family Involvement Center
Arizona Council of Human Services Providers

Framework for Interagency Practice Protocol

The goal of the Interagency Practice Protocols is that all Arizona's youth and families with multiple needs will have access to a coordinated set of services, tailored to their needs. To accomplish this, the various agencies and systems serving dually adjudicated children and youth must work together to eliminate systemic barriers on an organizational level so that individualized services can be planned and delivered to youth and families in need. Before this can be achieved, the following elements must be in place:

Note: A County approach is utilized as the court system that determines both delinquency and dependency is administered at the county level. It is acknowledged that the behavioral health and child protective system operate at a regional level with most regions including multiple counties. This may require participation on multiple teams or an agreement among the County Courts that their issues are similar enough to combine efforts into one team.

1) Every county will have available a process for involving youth and families in the identification of service needs and service delivery. **If a behavioral health Child and Family Team exists, this team will be used to meet this purpose.** If no team is in place, a team will be created that includes youth, parent/guardian, current caregivers, any individuals important in the child's life, and current service providers and agency professionals responsible for providing and monitoring services. Agencies involved may include any combination of the following: Juvenile Probation, Arizona Department of Juvenile Corrections, Child Protective Services, Regional Behavioral Health Authority and Adult Probation and Adult Parole. The purpose of this team is to:

    - Engage the child and family in identifying their strengths and service needs
    - Develop individualized service plans based on identified needs that are consistent with best practice
    - Engage the child and family in decision making
    - Develop and monitor effective implementation of the individualized plan of care and services
    - Review and make decisions about supports and services needed including any necessary recommendations for placement/living arrangement.
    - Identify, resolve pertinent issues, and reach consensus in service planning in order to support the accomplishment of identified goals
    - Utilize case consultation and conflict resolution when barriers to reaching consensus have been identified.
    - Prevent further penetration of the child into the delinquency system.
    - Prevent placements in highly structured settings when community based care is available and appropriate.

- Participants in Case Planning Teams (whether behavioral health Child and Family Teams or alternative team structure for youth without Behavioral Health system involvement) agree the following practices.

- All agencies will consult with the child and family team or other multi-disciplinary teams prior to a recommendation to terminate services.
- All Court actions shall be shared in a timely manner with the child and family team and with relevant partner agencies.
- Decisions will be made within the team setting unless there are extenuating circumstances which prevent this shared decision making. However, all decisions related to the provision of covered behavioral health services must be made within the context of the child and family team with the exception of services that require prior authorization.
- All actions/decisions made by involved agencies that occur outside the child and family team process will be communicated to the Court and to all partner agencies as they occur.
- The Probation representative or the Child Protective Services representative (whichever is case lead) will communicate the child and family team plan to the court so that the case judicial officer has this information available for consideration when making decisions about the case.

2) Every county will have available an interagency team which has the purpose of addressing systemic issues and which includes at a minimum, lead staff representing Juvenile Probation, Juvenile Corrections, Child Protective Services, Behavioral Health Services, who are authorized by their agency to make decisions that commit agency resources on behalf of youth and families and family representatives who can represent the experience and needs of the target youth and families. (Recommended participants in interagency teams include the Director of the Juvenile Court, Presiding Juvenile Court Judge, CPS District Program Manager and RBHA CEO. If an existing interagency team or collaborative already exists, it will be used for this purpose. Existing teams with appropriate membership may also fulfill this purpose.) Each team will meet on a regular basis and will address administrative issues related to:
    - Barriers to service delivery including funding and placement issues
    - Systems Accountability
    - System Reform
    - Family Involvement across agencies
    - Other issues which support the enhancement of the collaboration.

    In support of the collaboration, the interagency team will:
    - Identify at least one contact in each county to serve as a liaison to the partner agencies.
    - Develop a training plan which ensures current and future staff are educated as to the interagency practice protocol within 90 days of the start of their employment.
    - Provide professional staff and professional parents to assist in the delivery of training within agencies and to the public, as needed.
    - Assist in the identification and referral to appropriate team process for dually adjudicated youth and their families

- All juvenile court hearing officers (judges and commissioners) will be informed of existence and purpose of the county interagency team and the means to access the interagency team and opportunities for training.

AGENCY RESPONSIBILITIES

TASK	COURT	PROBATION	CPS	RBHA	ADJC	FAMILY	EDUCATION	ADULT PROB
Individual Case Team Process								
Lead Child and Family Team for youth who are receiving behavioral health services				X				
Participate in Child and Family Teams	✓	X	X	✓	X	X	X	X
May be designated as team lead for youth who is not receiving behavioral health services		X	X		X			
Participate in planning team when youth or family has involvement in this system	X	X	X	✓	X	X	X	X
Inform Judges & Commissioners about Interagency Teams	X							
Consult child and family or other multi disciplinary team before terminating services	X	X	X	X	X	X	X	X
Share court actions with appropriate team.	X							
When possible, make decisions for youth and families within the team structure.		X	X	X	X	X	X	X
When decisions occur outside the team structure, deciding agency will communicate the action to the Court and other partner agencies	X	X	X	X	X	X	X	X
Team lead will disseminate copies of the plan to all members of the team.	X	X	X	X	X	X	X	
The Probation representative or the CPS representative (Case lead) will communicate the plan to the court.		X	X					
Systemic Team Process								
Lead County System Improvement Team as designated by the County Team	X	X	X	X				
Participate in System Improvement Team	X	X	X	X	X	X	X	X
Develop Training Plan which insures staff are trained on interagency protocols	X	X	X	X	X	X	X	X
Provide professional staff and parent to assist in the delivery of training within agencies and to the public	X	X	X	X	X	X	X	X

* RBHA or designated representative
X Entity will participate
✓ Entity will participate as appropriate to individual case

THE SIGNATORIES TO THIS DOCUMENT AGREE THAT THE FOLLOWING ARE BEST PRACTICES IN THE COORDINATION OF SERVICES FOR CHILDREN INVOLVED IN BOTH DEPENDENCY AND DELINQUENCY AND AGREE TO STRIVE TO FULLY IMPLEMENT THESE PRACTICES

COURT:	Inquire about family's involvement with other partner agencies by asking the CPS and Probation/Parole managers about collaborative services. Encourage the assignment of the same attorney to represent the minor in delinquency and dependency matters except in unusual circumstances. Use of private or 'conflict' counsel should be utilized to assign the same attorney where different offices generally represent delinquent versus dependent youth. Combine appropriate delinquency and dependency hearings when both matters are proceeding simultaneously. Require that a representative from CPS and Parole/Probation be present at every dependency and delinquency hearing in which a decision about the dually adjudicated youth may be made. Other partner agencies should be invited to all hearings and may be required to attend as may be necessary.
CPS/ADJC/JPO:	Intake/investigation process will include questions regarding prior/current partner agency involvement. Engage/refer youth to Child and family team meeting if indicated in initial assessment of youth and family (i.e. existence of multiple stressors such as lack of employment, housing, behavioral health needs of youth and/or other family member, etc.) Notify partner agencies of any contemplated or actual changes in the child's placement. When requested, provide partner agencies with household information on current or past involvement with agency. Provide consultation and/or participation in collaborative review, as needed. CPS/ADJC/JPO will be present at every dependency and delinquency hearing in which a decision about the dually adjudicated youth may be made. Other partner agencies should be invited to all hearings and may be required to attend as may be necessary. ADJC will notify the guardian (CPS) of all revocation or other Administrative hearings where decisions about the child are made, and provide information and recommendations from the involved CPS staff to the assigned hearing officer. Work cooperatively with assigned staff from partner agencies to support the

CPS/ADJC/JPO:	youth's compliance with the case plan, diversion and/or probation services, and/or parole. Provide partner agencies with notice of all routine and other planning meetings and dependency hearings, and participate in all delinquency hearings. Continue the child and family team process while youth is in secure care.
BHS/RBHA:	Participate in collaborative review providing technical assistance as needed. Make preliminary determination of youth and family's eligibility for Title XIX services. Upon referral the Regional Behavioral Health Authority shall complete a Comprehensive Assessment of the child and shall focus on immediate presenting problems, safety and collaborative services planning consistent with best practice and medical necessity. Initiate child and family teams.
FAMILIES:	Serve as an active partner in statewide collaborations and partnerships. Provide technical assistance to statewide agencies in order to increase outcomes for children and families. Represent the voice of children and families to state agencies.

[Internet address to "Reducing Racial Disparities in Juvenile Detention," a project of the Annie E. Casey Foundation, follows:]

http://www.aecf.org/upload/publicationfiles/reducing%20racial%20disparities.pdf

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[Internet address to "And Justice for Some," located on the Building Blocks for Youth website, follows:]

http://www.buildingblocksforyouth.org/justiceforsome/jfs.html

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Arizona Dual Jurisdiction Study

By Gregory J. Halemba; Gene C. Siegel; Rachael D. Lord; Susanna Zawacki

This report was prepared by the National Center for Juvenile Justice, the research division of the National Council of Juvenile and Family Court Judges, for the Arizona Supreme Court, Adminstrative Office of the Courts, Dependent Children Services Division.

Executive Summary—Introduction and Background

In March 2003, the Arizona Supreme Court, Administrative Office of the Courts (AOC) entered into a contract with the National Center for Juvenile Justice (NCJJ) to conduct a study of youth who experience simultaneous dependency[1] and delinquency court involvement. These so-called "dual jurisdiction" or "dually involved" cases[2] pose unique dilemmas for juvenile courts and child welfare agencies across the country.

The Arizona study required NCJJ to examine barriers to effective court handling of dual jurisdiction cases, and to provide recommendations to address the challenges posed by this population. NCJJ worked closely with the AOC and the four study sites (the juvenile courts in Cochise, Coconino, Maricopa, and Pima counties) to establish the study's parameters.

A growing body of research confirms the strong correlation between child maltreatment and subsequent delinquency. There has been very little research, however, conducted on how best to process or intervene in cases in which an adolescent is concurrently before the court on both delinquency and dependency matters, particularly teenagers 13 years of age and older. Numerous questions arise regarding the proper court response in these matters (including whether case consolidation is appropriate), the degree of case coordination between juvenile probation/parole, child welfare and behavioral health required to effectively intervene in these cases; and how best to access and fund the myriad of expensive services these youth typically need to at least provide them a realistic opportunity to spend their teen-age years in living arrangements that have some semblance of permanency, a realistic opportunity to become functional, law-abiding adults, and to address immediate and long-term community safety issues.

The findings of a brief national survey conducted by NCJJ, covered in a paper funded through an Office of Juvenile Justice and Delinquency Prevention (OJJDP) grant and entitled When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases (see Appendix A), and our experience in numerous courts across the country, confirm that a relatively small number of courts, probation departments, and child welfare agencies have instituted special court practices and/or comprehensive programs specifically for dual jurisdiction matters. This paper (developed in conjunction with work on this current project) highlights promising court-based practices and programs that have the potential to address the difficult challenges posed by dual jurisdiction cases. It is an initial effort to present what juvenile courts are currently doing or what juvenile courts can do to improve coordination of dual jurisdiction matters.[3]

Dual jurisdiction cases present unique challenges to the juvenile court/juvenile probation, child welfare, and the behavioral/mental health communities. Because of their complexity, these cases drain scarce resources from child welfare agencies, probation departments, behavioral health systems of care, and the courts themselves. They prompt unintended duplication of case management efforts. They usually guarantee the influx of multiple parties and professionals, some with conflicting goals and missions, adding substantial costs and detracting from effective and timely action.

Almost by definition, dual jurisdiction youth defy singular categorization. Dual system youth display an exceptional range of behaviors, needs, and risks. We believe, along with many child welfare and juvenile justice professionals in Arizona, that the unique characteristics of dual jurisdiction cases and the systemic impact these cases present, require different approaches than standard probation, standard child welfare, or standard behavioral health case management. The challenge, of course, is how to implement effective changes in times of austere resources.

This report documents some of the special approaches being taken in each of the four study sites. Until a few years ago, efforts to more effectively handle dual system matters in Arizona have been marred by the often adversarial relationships between CPS and juvenile probation. This dynamic tension was frequently related to the lack of resources and funding to serve this special population, as well as the

"lack of clarity as to the roles and responsibilities" of juvenile probation and CPS in the supervision, case management and provision of services in these cases. Much has changed in this regard. Fieldwork conducted in the four targeted counties, reveal evidence of expanded interagency collaboration and cooperation at the local and state levels, though a strong consensus persists regarding the need to continue to improve.

We believe this study provides empirical support for handling dual jurisdiction cases differently than others. Two data sets were analyzed over the course of this study—an extract of data from the participating county juvenile courts' automated systems (JOLTS),[4] and data manually collected by NCJJ project staff from court files (that is, legal files maintained by the Clerk of the Court's office and social files maintained by court probation staff and CPS liaison staff).

Analysis of JOLTS Data

Data extracted from JOLTS represent the court history of all juveniles with an ACTIVE dependency, delinquency or status referral/petition in FY2002 (7/1/01 through 6/30/02) for the four counties included in our study—Cochise, Coconino, Maricopa and Pima counties. Each record in the JOLTS extract data set represents the summarized court history involvement of a child on all delinquency, status and dependency matters through FY2003 and is current through August 2003.

The JOLTS extract data file allows for comparison of the dual jurisdiction population with those of juveniles only active with the court on a delinquency matter in FY2002. These latter youth are referred to as our delinquency-only comparison population. The JOLTS data extract also permitted NCJJ staff to identify the dual jurisdiction population—that is, minors eight years of age and older at the start of the fiscal year (July 1, 2001) who were involved with the court on both dependency and delinquency matters at some point during FY2002. The process was further refined to ensure that the court's involvement on these matters truly overlapped within the fiscal year.

Extensive court history data are available on all youth active with the court during the fiscal year on dependency, delinquency and/or status matters. This includes basic demographic data (date of birth, gender, race/ethnicity), as well as dates of first court involvement, overall number of referrals/petitions, and most serious offense/allegations data. Data on probation supervision, probation placements, detention and commitments to the Arizona Department of Juvenile Corrections (ADJC) are also available. Probation placements are defined as youth on probation placed in private group homes and residential treatment facilities paid for, at least in part, by the juvenile court through a special fund appropriated annually by the State Legislature to fund a range of programs and services for delinquent and incorrigible youth.[5]

A number of conclusions can be drawn from our analysis of JOLTS data that should be taken into consideration as Arizona re-examines how its juvenile courts identify and process the cases of juveniles with a court history of both dependency and delinquency involvement. These include:

1. Youth with histories of court involvement on dependency matters are twice as likely to recidivate if referred on a delinquency offense than juveniles with no history of dependency court involvement (62% compared to 30%, respectively).

2. Recidivism rates for first-time referred females with dependency court histories are similar and somewhat higher than for their male counterparts (65% versus 61%, respectively). Among the general population of juveniles referred for the first time for a delinquent act, males are considerably more likely to recidivate than females—33% for males and 23% for females.

3. Dependent children over the age of eight are also very likely to be (or become) involved with the court on delinquency matters. The likelihood increases substantially for children 14 years of age and older.[6] That is, 73% of active FY2002 dependent youth ages 14-17 had been referred to the court on at least one delinquency referral and 57% had been petitioned to the court on a delinquency matter prior to August 2003. Furthermore, 49% of these older dependent juveniles ultimately were placed on probation supervision and 51% were at some point detained.

4. While only comprising a very small fraction of a juvenile court's informal diversion caseload (1%), dual jurisdiction youth comprise an increasingly larger portion of a court's deeper-end FY2002 delinquency caseload. This includes youth on probation supervision (7%) and a subset of these youth placed in a probation placement (42%).

5. Arizona juvenile courts have a substantial number of juveniles who are both delinquent and dependent. In the state's two largest counties, there are hundreds of juveniles who are both dependent and on probation supervision. The vast majority of these youth spend at least a portion of their time on probation in a group

home or residential treatment facility—sometimes paid for fully or in part by the juvenile court.

6. Dual jurisdiction youth tend to start their delinquency careers at an earlier age—considerably earlier than delinquency-only youth on probation supervision and somewhat earlier than juveniles placed in a probation placement. This includes age at first delinquency referral, petition, as well as detention and placement on probation supervision.

7. The delinquency histories of dual jurisdiction youth tend to be more extensive and serious than a court's general probation population but not as extensive or serious as those delinquency-only youth who spent at least a portion of FY2002 in a probation placement.

8. Lastly, dual jurisdiction youth were twice as likely to be committed to ADJC by August 2003 (then end of our tracking period) than delinquency-only juveniles on probation supervision (14% compared to 7%, respectively). However, dual jurisdiction youth were considerably less likely to be committed to ADJC by that time than delinquency-only juveniles spending time in a probation placement (14% versus 23%, respectively).

Analysis of Case File Data

The second data set analyzed for the Arizona Dual Jurisdiction Study reflects data manually collected by NCJJ project staff from court files—that is, legal files maintained by the Clerk of the Court's office and social files maintained by the court and/or CPS liaison. Findings from this analysis focus solely on those dual jurisdiction youth on probation supervision during FY2002 from Maricopa and Pima counties.

A total or 204 case files were reviewed—129 from Maricopa and 75 from Pima. These cases were randomly selected from a list of potential dual jurisdiction cases. For a juvenile to be on this list, (s)he must have had both a dependency petition active and been on probation supervision during some portion of FY2002. Instances in which the youth's involvement with the juvenile court on both dependency and delinquency matters did not overlap within the fiscal year were discarded and replaced with new cases.

Case files were reviewed over the course of an eight-month period beginning in June 2003 and ending in February 2004. A follow-up review of subsequent court activity for these cases was conducted this past summer and early fall (July—September 2004). This follow-up provided critical information on delinquency and dependency case outcomes—including dependency case closures and recidivism on any subsequent delinquency, status offense and/or probation violation filings.

Through the case file review, NCJJ staff were able to collect an extensive amount of data on each child. This includes basic demographic data (date of birth, gender, race/ethnicity) as well as data on prior CPS involvement, prior/current involvement with the juvenile court on dependency and delinquency matters,[7] key case assignments,[8] presenting family and child problems, detailed placement histories, delinquency and dependency hearing dates, and services ordered in minute entries and/or recommended in case worker and juvenile probation officers reports.

Utilizing this data set, project staff were able to better identify the challenges facing the judiciary, juvenile probation officers, CPS case managers, service providers, and others, in adequately servicing and sanctioning dual jurisdiction youth. Highlights from this analysis include the following:

1. For most dual jurisdiction youth (62%), the delinquency petition resulting in the youth's placement on probation was filed prior to the filing of the petition alleging that the juvenile was dependent (and this did not vary much be county).

2. The timing of dependency petition filings was strongly correlated with the referral source—privately-filed petitions were almost always filed after the initiation of delinquency proceedings (92%). The reverse was also true—AG/CPS dependency petitions were frequently filed first—but the correlation was not as strong (58%). A number of agency-initiated dependency petitions were filed after the initiation of delinquency proceedings—particularly in Pima County.

3. These data should not, however, be interpreted to infer that most families of dual jurisdiction youth named on privately-filed dependency petitions had no previous CPS contact. That is, almost two-thirds of these families had been the subject of at least one prior report (65%) and slightly more than half (51%) were the subject of at least one substantiated report. Pima County cases were more likely to be the subject of a prior CPS report/substantiated report regardless of the referral source.

4. Additionally, 25% of the families of dual jurisdiction youth named on private dependency petitions had been the subject of a prior dependency petition which had been previously closed by the juvenile court—which is only slightly lower than the 30% found in the AG/CPS cohort.

5. Our sample population of dual jurisdiction youth on probation supervision in FY2002 generally began their delinquent involvement with the juvenile court at an early age. However, only a small percentage of these juveniles were placed on probation for a serious charge—that is, a person or property felony (7% and 11%, respectively).

6. The vast majority of families of dual jurisdiction youth displayed a range of problem attributes—the most frequent being parental substance abuse (78%), domestic violence (70%), and housing/financial problems (61%). Additionally, documentation was found in the case files indicating that in 55% of the cases reviewed there was a history of either or both parents being incarcerated. Families referred to the juvenile court on privately-filed dependency petitions were only slightly less likely to be experiencing these problems but this may be an artifact reflecting better documentation of family problems in agency-initiated petitions.

7. The percentage of dual jurisdiction families with a documented history of domestic violence and parental incarceration are considerably higher than found in the 2000 Arizona CIP-Re-Assessment Study and may be particularly pertinent to behavioral problems experienced by dual wards. However, these findings should be considered very preliminary and subject to further examination.

8. Substance abuse was the most prevalent issue documented—80% overall—among juveniles in our dual jurisdiction study cohort. The case file review also found that 61% of dual jurisdiction youth had been diagnosed as having severe emotional/mental health problems, a like amount (61%) were taking psychotropic medications (often, multiple types), and 39% had a history of being sexually abused. In more than a quarter (27%) of the cases, documentation existed to suggest these juveniles were seriously considering or had attempted suicide. Educational concerns were also consistently identified—including chronic truancy problems (76%), severe academic deficiencies (59%), special education needs (44%), and a diagnosed/suspected learning disability (23%). The data reflect little variation by county on these measures.

9. In general, females were considerably more likely to exhibit deficiencies in most of the above need areas than males. Substance abuse problems were almost universally a problem (91%) and suicide ideations and/or attempts were also far more prevalent among females—more than double that of the male population (44% compared to 19%, respectively). Lastly, almost two-thirds of females had been sexually abused compared to slightly more than a quarter of the males (64% versus 28%, respectively).

10. Both Maricopa and Pima counties are committed to ensuring consistency in judicial oversight across delinquency and dependency matters. However, this is not the case for attorneys assigned to represent these juveniles. In many respects, this is a structural issue in that the Public Defender's Office represents juveniles in delinquency matters in both counties, while court-appointed attorneys represent minors in dependency matters in Pima County, and attorneys from the Legal Advocate's Office or other court appointed attorneys represent juveniles in dependency matters in Maricopa County. Lastly, in more than half of the cases in which a GAL was assigned, the same GAL was assigned to advocate for the child's "best interest" on both delinquency and dependency matters before the court. This was more likely the case, however, in instances in which the GAL filed the private dependency petition.

11. Very few dual jurisdiction youth in either county were relatively stable as regards to their living arrangements. During the study period, the vast majority experienced six or more placements changes and almost half moved 11 or more times after a delinquency or dependency petition was filed (regardless of which came first). Additionally, almost all dual jurisdiction youth spent at least some time in a group home and/or residential treatment center (90%) and this did not vary much by referral source, gender or county. On average, dual jurisdiction youth spent almost half of their time in such placements (46%). This dwarfs the average amount of time dual jurisdiction youth spent living with parents (12%) or in other more-home like environments such as relative care (13%) and foster homes (4%).

12. The vast majority of these juveniles (89%) spent time in a juvenile detention center during the study period and, in most instances, experienced multiple detention stays. On average, these youth spent as much time incarcerated (13%) as they did living with parents (12%).

13. Probation outcomes for most dual jurisdiction youth were, in varying degrees, unsuccessful or otherwise problematic. On the positive side, 30% of our dual jurisdiction population satisfactorily completed their probation terms—even if their performance was not necessarily stellar. Outcomes for the remaining 70% of cases were generally unsatisfactory including a considerable portion of youth who were eventually committed to ADJC, referred to adult court, remained on probation until their

18 birthday at which point they aged out of the system, or were released and subsequently placed on probation on new charges.

14. Regardless of their probation outcomes, almost all dual jurisdiction youth included in the study experienced subsequent referrals and petitions to the juvenile court on delinquency, status offense and/or probation violation matters—92% were referred and 87% were petitioned one or more times. On average, dual jurisdiction youth were referred for delinquency, status and/or probation violation offenses a total of 5.1 times and petitioned 3.5 times after being placed on probation.

15. Dual jurisdiction youth also tended to experience poor outcomes with respect to types of permanent living arrangements in place at the time dependency petitions were closed. Both counties experienced difficulties placing youth in home-like settings at case closure. Only a quarter of dual jurisdiction youth in our study were either living at home (with one or both parents) or were permanently placed with a relative/guardian at petition closure. The two most common outcomes were either that the petition was closed when a youth reached the age of majority (33%) or the petition remained open as of July 2004—for an average of 4.6 years (32%). As best we can determine, almost all of the youth aging out of the system were either in congregate care, incarcerated or AWOL at the time of their 18th birthdays.

16. During their time on dual jurisdiction status, youth were in court frequently—an average of almost once per month on either a delinquency or dependency matter. Very few hearings held by the court in dual jurisdiction cases, were consolidated hearings in which both delinquency and dependency matters were addressed.

Shared Responsibility for Dual Jurisdiction Wards

Who should take responsibility for supervision, case management and servicing dual jurisdiction youth can be a sensitive issue, one that reflects differences of opinions as to where lines should be drawn (or merged) between the child welfare and juvenile justice systems. These varying perspectives also reflect traditional differences in the missions that have guided child protection and juvenile probation.

Historically, from the CPS perspective, there have been concerns that the juvenile courts and their probation departments, too often, turn to the agency for assistance in funding needed placement and related treatment services for troubled youth who are primarily delinquent juveniles. CPS funds are not unlimited and at least some agency administrators have emphasized that when funds are used to place or treat delinquent youth, there are fewer resources for non-delinquent (dependent) children. For CPS, the circumstances found in dual jurisdiction cases may not initially meet the agency' criteria or threshold needed for prompt formal dependency action. Instead, the agency may offer voluntary services that families may or may not participate in. For the agency, the conundrum associated with dual jurisdiction matters seem particularly acute when a juvenile first comes to the attention of the juvenile court via a delinquency or status offense referral, is petitioned and adjudicated as delinquent or incorrigible, with dependency proceedings initiated at a later date because of what is perceived as limited juvenile justice funding options. Typically, these are cases in which the dependency action is initiated through the filing of a dependency petition by a court-appointed GAL.

In contrast, at least some juvenile court and probation officials have cited the need for CPS to intervene earlier, and more effectively, in the lives of maltreated children, including the need to file dependency petitions before a youth experiences formal delinquency involvement. These juvenile court and probation officials view the initiation of dependency proceedings as frequently legitimate in that the initial investigation of the youth and family often uncovers a serious and/or, possibly, longstanding history of neglect (if not specific physical or sexual maltreatment).

One of the goals of this study is to assist CPS, the juvenile courts, and juvenile probation to move beyond any lingering focus on which agency is ultimately "responsible" for these cases, to greater recognition of the need for expanded interagency collaboration. In the past couple of years, there has been considerable movement by CPS, the juvenile court, and probation departments to acknowledge that both entities share responsibility in supervising and servicing this population.

This effort at gradual consensus-building and interagency collaboration requires continued nurturing. Growing workload demands, the lack of funding resources, few specialized placements and related services, as well as the general difficulties facing line staff from both organizations in turning around the lives of these juveniles can ultimately frustrate these efforts. Interviews conducted in the four targeted counties indicate a clear recognition that shared responsibility, coordinated case management, interagency collaboration and consistent judicial oversight are keys to addressing the needs of dual jurisdiction wards and their families as well as ensuring that community safety is not unduly compromised. The juvenile court should con-

tinue to play a critical role in ensuring that all stakeholders remain committed to these principles.

A number of innovative protocols and collaborative efforts implemented in recent years in the four counties are highlighted in Chapter 4 of this study. These include improved screening and assessment which often involves CPS and mental health liaisons, increased use of interagency resource staffings, and other continuing efforts to form collaborative partnerships to construct individualized case plans, access services and, in general, improve overall case management and supervision. While much still needs to be done, stakeholders in each of the counties should be commended for their efforts to date in re-examining and reconstructing how the needs of dual jurisdiction youth and their families are collectively addressed.

Summary of Recommendations

Comments made by key stakeholders during county interviews revealed strong agreement on the need to improve how juvenile courts, their probation departments, CPS, behavioral health, and the schools handle dual jurisdiction cases. Overall, this consensus and the findings contained in this report, reflect the need to treat dual jurisdiction matters differently than others. What form this differential approach takes, however, is a matter for ongoing discussion and planning at the local and state levels.

In preparing this summary of recommendations, we considered the findings from our JOLTS and case file review data analyses, the key themes identified during county interviews, and our own experiences in numerous juvenile/family courts across the country. We hope these recommendations prove useful as state and local officials continue to strive for ways to improve outcomes for these difficult cases. These recommendations are discussed in more detail in Chapter 5.

1. Revise intake assessment/screening procedures for dual jurisdiction cases.
2. Explore ways to keep the same attorneys assigned in dependency and delinquency matters, and provide special training for attorneys handling these cases.
3. Examine the potential benefits and drawbacks of creating court teams for dual jurisdiction cases.
4. Carefully assess the benefits and drawbacks of having assigned CASA volunteers serve as surrogate parents for special education purposes.
5. Establish or modify diversion programs to address issues presented by dual jurisdiction youth.
6. Continue and expand efforts that reduce prolonged detention stays for dual system juveniles.
7. Examine the feasibility of combining delinquency and dependency hearings—especially for disposition and post-dispositional matters when appropriate
8. Take appropriate steps to reduce delays in obtaining school records and improve school attendance.
9. Revisit options for funding interagency supervision models.
10. Co-locate Behavioral Health, CPS, and Probation where feasible.
11. Carefully assess programs that report positive effects on dual jurisdiction youth and expand capacity where appropriate.
12. Consider modifying "medical necessity" criteria when deciding to move dual jurisdiction youth from more to less restrictive settings.
13. Providers may need special training to more effectively address the effects of prior child sexual abuse victimization and exposure to domestic violence on dual wards.
14. Substance abuse continues to be a major problem area for dual jurisdiction youth and their families and efforts should be expanded to improve access to and the effectiveness of substance abuse treatment programs for both adolescents and parents/guardians..
15. Improve permanency planning and permanency outcomes for dual jurisdiction cases.
16. Improve prevention and early intervention efforts.
17. Establish written interagency agreements and protocols for dual jurisdiction cases.
18. Improve information sharing across agencies at all stages of dual jurisdiction matters.
19. Develop and implement specific cross-training opportunities relevant to dual jurisdiction.
20. Identify single point of contact persons within all RBHAs to address delays in assessments and services.
21. Provide special training for group home personnel on handling dual jurisdiction youth.
22. Conduct regular interagency case reviews of dual jurisdiction cases.

23. Continue efforts to increase access to federal funding (e.g., Title IV-E) and find innovative ways to pool funds for placements and services.

24. Establish a video conferencing pilot project for selected out of county providers to enhance hearing attendance and reduce cost and time demands.

25. Address challenges associated with dependent youth who have been committed to the Arizona Department of Juvenile Corrections.

ENDNOTES

[1] Like many states, Arizona law and Arizona's juvenile courts use the term "dependency" to refer to child abuse and neglect cases.

[2] In this report, "dual jurisdiction," "dual involvement," "dual wards," and other similar terms will be used interchangeably to denote youth with co-occurring dependency and delinquency court involvement.

[3] Please see Gene Siegel and Rachael Lord. When System Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases. Technical Assistance to the Juvenile Court: Special Project Bulletin (Summer 2004), NCJJ, Pittsburgh, PA. The paper can be accessed on-line at: *http://ncjj.servehttp.com/NCJJWebsite/pdf/dualjurisdiction.pdf.* (downloaded on November 19, 2004)

[4] JOLTS is an acronym for Juvenile On-Line Tracking System. Each of the state's 15 juvenile courts utilizes JOLTS to track both its dependency and delinquency caseloads. However, there are three slightly different versions of JOLTS existing in Arizona.

[5] Youth placed in private group homes or residential treatment facilities funded solely through CPS and Arizona Behavioral Health Care System funds cannot be identified as such in the JOLTS extract database.

[6] While no data are available in JOLTS, we suspect these types of patterns would be maintained for youth who were informally involved with CPS. The authors suspect that prior or concurrent informal CPS involvement would be a very good indicator of future recidivism for juveniles referred to the court on their first delinquency referral.

[7] This includes aggregate and most serious offense data related to delinquency, probation violation and status offense referrals prior to the youth's placement on probation in FY2002 as well as post-placement on probation supervision. These data are current through August 2004 or a youth's 18th birthday, whichever came first.

[8] This includes judge and commissioner case assignments, attorneys assigned to represent the child on delinquency and dependency matters, as well as any GALs and CASA volunteers who may have been appointed.

[Internet address to "Juveniles in Adult Prisons and Jails: A National Assessment," by the Bureau of Justice Assistance, U.S. Department of Justice, Oct. 2000, follows:]

http://www.ncjrs.gov/pdffiles1/bja/182503.pdf

[Internet address to "Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System," by the National Center for Mental Health and Juvenile Justice, 2007, follows:]

http://www.ncmhjj.com/Blueprint/pdfs/Blueprint.pdf

[Internet address to "Prosecuting Juveniles in the Adult Criminal Justice System," by the Children's Action Alliance, June 2003, follows:]

http://www.azchildren.org/display.asp?pageId=62&parentId=11

Child Welfare and Juvenile Justice Systems Integration Publications

Through the support of the John D. and Catherine T. MacArthur Foundation, CWLA established the Juvenile Justice Division in July 2000 with the objective of supporting the education of juvenile justice, child welfare, related youth-serving organizations and agencies, and CWLA members regarding the connection between child maltreatment and juvenile delinquency, and need for an integrated approach

to programs and services across the child welfare and juvenile justice systems. CWLA has developed a range of publications that support this work. These include:

Guidebook for Juvenile Justice and Child Welfare System Coordination and Integration: Framework for Improved Outcomes (by Janet K. Wiig, with John A. Tuell)

Built from years of CWLA collaborations and partnerships, co-sponsorship of state and local symposia, regional training, technical assistance, consultation experiences and examination and use of the most credible research, program and practice evidence the Guidebook will help state and local jurisdictions achieve greater system coordination and integration. (*www.cwla.org/programs/juvenilejustice/jjguidebook*)

Promoting a Coordinated and Integrated Child Welfare and Juvenile Justice System (by John A. Tuell)

CWLA believes that system integration and reform is best accomplished through a comprehensive strategic planning process that includes youth and families, and a broad-based representation of youth-serving organizations. This approach uses the best information, research, and practices to guide the process. The framework detailed in this bulletin outlines the components of this process and action strategy that states and local jurisdictions must consider to implement a more coordinated, integrated child welfare and juvenile justice system. (*www.cwla.org/programs/juvenilejustice/jjpubs*)

Understanding Child Maltreatment and Juvenile Delinquency: From Research to Effective Program, Practice, and Systemic Solutions (by Wiig, Janet K., Widom, C. A., with John A. Tuell)

This monograph will aid agency and organizational leaders, policymakers, administrators, judges, attorneys, and practitioners in the field of juvenile justice and child welfare in understanding the relationship between abuse and neglect and juvenile delinquency and advance the effort in developing practical program, practice, and system responses to this important issue. This document describes the best research on the connection between child maltreatment and juvenile delinquency. Also included is a description of a wide array of promising responses for improving outcomes for dual jurisdiction youth. (*www.cwla.org/programs/juvenilejustice/ucmjd*)

A Guide to Legal and Policy Analysis for Systems Integration (by Jessica Heldman)

Experience gained from work in several jurisdictions provides the background for this valuable guide. The publication details the process of examination of the legal, policy, and procedural mandates unique to each agency/organization in order to make recommendations for changes that will contribute to improved coordination of initial decision-making, case management, and service delivery. (*www.cwla.org/programs/juvenilejustice/jjpubs*)

Please feel free to contact: John A. Tuell at jtuell@cwla.org or Wayne Promisel at wpromisel@cwla.org

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[Internet address to "When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases," National Center for Juvenile Justice, June 2004, follows:]

http://ncjj.servehttp.com/NCJJWebsite/pdf/dualjurisdiction.pdf

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[Letter from Governor's Office for Children, Youth and Families, State of Arizona, follows:]

STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES

IRENE JACOBS
EXECUTIVE DIRECTOR

OUTCOMES

FOR

INTEGRATION INITIATIVE

I. Outcome: Information sharing and case management across agencies and the courts that protects the interests of the youth and their families and promotes optimal decision making and case planning

- **Strategy #1: Disseminate guidance from state level to counties as to law and policy regarding information sharing**

  Action: Develop a field guide for practitioners to assist them in their understanding of protected information, to permit their sharing of permissible information, and to inform them as to how to access particular items of information; (replicate King County guide, adding agency contacts; a listing of resources from each agency; consider development of smaller briefer version for use by families; incorporate into agencies' practice guides; also useful for foster care review boards; add sample release/consent forms; privacy notice)

- **Strategy #2: Develop an infrastructure across agencies to support the exchange of information**

  Action: Designate an information access officer in each agency to facilitate the case identification process and provide an access path to obtaining information using existing information systems

  Action: Store an identifier in each system that creates an alert (or trigger) to notify caseworker of the existence of a case in another service delivery system involving the same child or family

- **Strategy #3: Review policy that juvenile probation staff participate in foster care review board meetings for those youth who are on probation**

- **Strategy #4: Focus efforts to provide needed resources without barriers presented by categorical funding and programs or services that are portable and match need**

  Action: Establish in every county regular meetings between juvenile court, district program management, probation, and the behavioral health authority to address resource delivery

  Action: Create a subcommittee (using the Executive Committee) to meet regularly to address this strategy consisting of DCYF, Behavioral Health, Juvenile Corrections, and the AOC; address this outcome on the Children's Cabinet agenda periodically

  Action: Expand the existing resource sharing agreements between agencies

- *Strategy #5: develop a quality workforce with manageable caseloads to handle dually involved youth*

  Action: provide training across systems as to each system's purposes, goals, mandates, roles, and responsibilities; training specifically as to implementation of the agreement regarding dually adjudicated youth

  Action: Develop a pilot for the use of specialized units testing best practices for the handling of dually adjudicated youth

II. *Outcome: Needs of dually involved youths' families are addressed and the number of younger siblings who enter the juvenile justice system is reduced*

- **Strategy #1: Use risk assessment instruments to identify those youth in system presently who are at highest risk of future delinquency and criminality and target their younger siblings (or target the younger siblings of dually adjudicated youth)**

  Action: Review existing risk assessment tools and make recommendations as to their use; map a continuum of risk assessment instruments

- **Strategy #2: Target families at greatest risk who have open cases in both the child protection and juvenile probation/corrections (could add as a screen "at the point of younger sibling's first delinquency offense, thereby building on early onset offending as an additional risk factor); develop a pilot effort directed to this population**

  Action: Provide support to children's families that addresses the conditions that put youth at risk

- **Strategy #3: Engage families actively in the identification of service needs and service delivery so that their participation is insured to support dually involved youth**

  Action: Educate families and youth as to what is available

  Action: Make use of a modified child and family services team during the first seven days of detention

  Action: Utilize assessment processes that include engagement of the family

- **Strategy #4: Provide for more timely coordination of all the agencies' assessments**

III. *Outcome: Reduced penetration of dually involved youth in the child welfare, juvenile justice and criminal justice systems*

- **Strategy #1: Establish baselines and reduction targets for the movement of children from one system to the other, for the progressive involvement within a system including placement status, and for frequency of placement changes.**

- **Strategy #2: Develop new and improved collaborations between the principal entities, including state and local agencies, youth, families, victims, schools, and community members to support this outcome**

  Action: Map the key decision points and existing or potential intersections between entities; identify existing collaborations that support this outcome, incorporating families' knowledge of same

  Action: Disseminate law and/or policy to support better coordinated responses; utilize existing models; establish a mechanism for continuously updating and monitoring the use of supporting law and policy

Action: Collaborate between law enforcement, child welfare, and juvenile justice to prevent unnecessary detention or shelter care for youth (e g juvenile alternatives program; assessment center)

Action: Design a system to track improved accountability for performance in service delivery including families' feedback about what works

- **Strategy # 3: Focus efforts to reduce the number of children in out-of-home care who enter or penetrate deeper into the juvenile justice system by identifying and responding more effectively to families and youth's needs while in foster and group care; listen well to the youth and families for appropriate responses**

Action: Develop and provide joint training on adolescent development and positive youth development for contractors (group homes) child welfare workers, foster parents, mental health and probation staff; make map training accessible to group home personnel

Action: Examine and modify policies and practices for licensing and contracts to promote a positive experience and positive outcomes for youth in placement (consider such issues as building into performance based contracts the outcome of reduced penetration in the systems and the use of best practices to achieve this outcome; purchasing items that assure greater continuity of services such as assessments, youth participation in case planning; setting goals for youth, achievement of permanent placement; provision of aftercare and Wraparound; establish tracking system for improved accountability)

Action: Develop a questionnaire to conduct an environmental scan of foster and group home placement to be administered to placement staff, youth, and directors and staff of group homes

Action: Provide capacity for respite care to youth in foster and group care to allow for resolution and relief without placement disruption

Action: Develop protocols for conducting exit interviews with youth who leave group homes and foster homes as another means of listening to youth; collect that data for use in policy development and improvement of group home practices (a good project for a graduate student)

Action: Incorporate the following principles into practices around the placement of youth: 1) the extended family and other significant relationships are engaged to identify resources for the youth; 2) there is continuity of case managers and probation officers who are responsive to youth and continually assess the effectiveness of placements in out-of-home care; 3) foster parents and group home crisis calls are responded to timely; and 4) models of programs that are youth driven are promoted (e g "In My Shoes" peer mentoring program, YAPYF)

- **Strategy #4: Advocate for home-based services to keep families together and, when out of home placement is necessary, strengthen transition services to increase families capacity to remain reunited.**

Action: Involve resource families, youth, parents, community partners and case managers in all placement decisions to ensure a network of support for the children and for the adults who care for them

Action: Provide opportunities for youth to participate in normal activities with their families as opposed to therapeutic activities; "normalizing reintegration"

Action: Create a parallel process for care with parents so that they understand what the youth is going through; more connection with the care provider

Action: Utilize the survey that has been administered to youth in care for policy making and training

IV. ***Outcome:*** ***Data collection system that provides aggregate data for law, policy, and program development as well as the capacity to measure achievement of system and child outcomes***

- **Strategy #1: Develop the data elements to be collected for dually adjudicated youth for purposes of law, policy, and program development**

Action: Develop the list of questions that each agency (Probation, DCYF, Court, Corrections, BHS) should be able to answer regarding this population

Action: Develop the list of questions that could be answered through interagency data collection and promote the outcome of good coordinated responses rather than "dumping" the case on the other agency

- **Strategy #2: Develop the measures for achievement of system and child outcomes and establish baselines**

  Action: Utilize Arizona Youth Survey for measures that are close enough without waiting a lengthy time to establish a baseline that is precisely on point for the sought outcome

  Action: Consider other sources of data for use as baselines including Behavioral Health and the Arizona study of dually adjudicated youth

  Action: Identify whether anyone is currently measuring outcomes in relation to dually involved youth

  Action: Identify baseline measurement relating to "deeper penetration" into the CW and JJ systems beyond entry to JPO, entry to corrections, entry to adult criminal, etc. to a closer view (i.e. entry to detention, number of referrals, type of probation)

- **Strategy #3: Develop IT capability to cross index between the AOC, CPS, ADJC, and DHS to identify kids across systems**

Chairwoman McCARTHY. Ms. Weisman.

STATEMENT OF ANDREA WEISMAN, DIRECTOR OF HEALTH SERVICES, WASHINGTON, DC, DEPARTMENT OF YOUTH REHABILITATION SERVICES

Dr. WEISMAN. Thank you for the opportunity to speak to the subcommittee, to the members of the Subcommittee on Healthy Families and Communities.

I am a doctor of clinical psychology and the Director of Health Services at the District of Columbia's Department of Youth Rehabilitation Services. Prior to my current position, I was Director of Behavioral Health Services at the Maryland Department of Juve-

nile Services. Public officials and advocates in both mental health and juvenile justice welcome your concern about the very serious issue of the prevalence of mental health disorders among youth who come into contact with the juvenile justice system.

While juvenile arrest rates have generally declined since 1997, there are still over 2 million youth who are arrested and who come into contact with the Nation's State and local juvenile justice systems each year. The now widely accepted prevalence data indicate that as many as 70 percent of youth who come into contact with the system have one or more diagnosable mental health disorders and that as many as 25 percent suffer serious disorders, causing impaired functioning in one or more life domains. By comparison, it is estimated that 10 percent of children and adolescents in the general population suffer from mental illness severe enough to cause some level of impairment, but these data alone fall short in really understanding the complexity of the issues our youth and our systems face in addressing these problems.

There are other statistics we need to consider to really put this into context. For example, children of color are disproportionately represented in juvenile justice systems across the country. The data clearly show that youth of color are more likely to be arrested, locked up before trial, sent to State facilities after adjudication, and to spend more time incarcerated than white youth even when they are charged with the same categories of offense, but there is one more context setting parameter. There is growing evidence documenting the nearly pervasive experience of trauma among incarcerated youth prior to incarceration.

Some studies report prevalence rates as high as 93 percent for boys and 84 percent for girls. "trauma" refers to the experience or exposure to violence, physical, sexual or emotional abuse or neglect. Trauma for these youth come in the form of family violence and close contact with violence among friends and in their communities in addition to being victims. The trauma our youth have experienced is pervasive, and it is multigenerational. If we do not treat the whole family system, we will be less successful in responding to the needs of our youth.

Juvenile justice systems have struggled to develop the range of behavioral health services that satisfactorily address the needs of children and families. For example, the partnership between the MacArthur Foundation and the National Center on Mental Health and Juvenile Justice through the Foundation's Model for Change Initiative has led to some significant improvements in the collaboration strategies between State-level mental health and juvenile justice agencies.

In addition, SAMHSA's Center for Mental Health Services' System of Care work in numerous States has provided both the philosophy and the strategies for interagency collaboration among child-serving agencies, including mental health, child welfare, education, and juvenile justice. Children and adolescents cross multiple agencies, and programs and services must come from the combined efforts and collaboration among them all.

There are several core values and strategies in approaching these problems, many of which are already embodied in the Juvenile Justice and Delinquency Prevention Act. We must be institutionalized

status offenders for status offenses are those that only a minor can be charged with, such as truancy, running away and curfew violations. These are the very behaviors we would expect from a youth being sexually abused or otherwise traumatized. Incarceration is not good for anybody, and for traumatized youth, it recapitulates their original trauma experiences.

A critically important development in recent years is the systematic identification of youth with mental health or substance abuse disorders as early on as possible. We must screen youth with validated instruments upon their first contact with juvenile justice agencies, and this screening must lead to culturally sensitive, evidence-based treatments whether within juvenile justice agencies or facilities in the community. We must divert youth whenever public safety concerns allow and redirect them to community-based treatments with proven effectiveness. We must use evidence-based treatments.

Quite a lot is now known about the kinds of services and supports that work most effectively with the juvenile justice population. These interventions bring therapeutic services into the home in varying degrees of intensity and duration to work with the youth and family in natural settings, and we must keep youth out of adult jails. They suffer significantly higher negative outcomes than youth in juvenile facilities from higher suicide rates to the increased likelihood of being victims of assault or abuse, and when they are in adult jails, we must keep them sight-and-sound separated from adults so as to minimize the likelihood of their being abused or exploited, and States and local jurisdictions must be held accountable to assess and to address the racial and ethnic disparities affecting youth of color that exist throughout the juvenile justice system.

These basic protections must be a priority for this committee to ensure that youth in need of mental health treatment who come into contact with the juvenile justice system are, whenever possible, able to receive effective services in their homes or in the community, and these are the protections afforded by the JJDP Act.

Thank you.

Chairwoman McCARTHY. Thank you, Ms. Weisman.

[The statement of Dr. Weisman follows:]

Prepared Statement of Andrea Weisman, Ph.D., Director of Health Services, District of Columbia Department of Youth Rehabilitation Services

Thank you for this opportunity to speak to the members of the Subcommittee on Healthy Families and Communities. I am a doctor of clinical psychology and the Director of Health Services at the District of Columbia Department of Youth Rehabilitation Services. Prior to my current position, I was Director of Behavioral Health Services at the Maryland Department of Juvenile Services.

Public officials and advocates in both mental health and juvenile justice welcome your concern about the very serious issue of the prevalence of mental health disorders among youth who come into contact with the juvenile justice system.

While juvenile arrest rates have generally since declined since 1997, there are still over two million youth who are arrested and come into contact with the nation's state and local juvenile justice systems each year.[1] The now widely-accepted prevalence data indicate that as many as 70% of youth who come into contact with the juvenile justice system suffer one or more diagnosable mental health disorders, and that 25% suffer serious disorders causing impaired functioning in one or more life domains.[2] That means that as many 1,400,000 of these youth have at least one diagnosed mental health disorder and that as many as 500,000 have disorders of significant severity to cause dysfunction. By comparison, it is estimated that 10% of chil-

dren and adolescents in the general population suffer from mental illness severe enough to cause some level of impairment. When we consider the frequently co-occurring substance abuse disorders, the numbers are astronomically high.

But these data alone fall short in really understanding the complexity of the issues our youth and our systems face in addressing these problems. There are other statistics we need to consider to really put this into context. For example, children of color are disproportionately represented in juvenile justice systems across the country.[3] The data clearly show that youth of color are more likely to be arrested, locked up before trial, sent to state facilities after adjudication and spend more time incarcerated that white youth, even when they are charged with the same categories of offense.

Another piece of the puzzle is this, and I'll use the District to exemplify: According to Annie E. Casey's Kids Count[4] statistics, the District surpasses national averages on issues such as low birth weight of babies born, infant mortality, child deaths, teen deaths, teen births rates, teen high school drop out rates, teens not in school and not working, children living in poverty and children living in single parent households.

When I worked for the District's Department of Mental Health 5 years ago, their penetration rate—that is, the number of children and adolescents to whom services were being provided was just under 1% of all youth. This is an example, but children throughout the country are underserved by mental health systems. And I don't think it's too big a leap to claim that judging from disproportionate number of children of color who wind up in the juvenile justice system with diagnosed mental health disorders—which public mental health systems are especially under serving this youth population.

There's one more context setting parameter. There is growing evidence documenting the nearly pervasive experience of trauma among incarcerated youth prior to their incarceration. Some studies report prevalence rates as high as 93.2% for boys and 84% for girls.[5] Trauma refers to the experience or exposure to violence, physical, sexual or emotional abuse or neglect. Trauma for these youth comes in the form of family violence and close contact with violence among friends and in their communities, in addition to being the being the victim of physical, sexual, or emotional abuse or neglect. Internalizing trauma responses include: emotional numbing, depression, decline in functioning, confusion, nightmares and flashbacks. Externalizing trauma responses are evidenced in interpersonal conflicts, aggressive and risky behaviors, substance abuse and school avoidance or refusal.[6] These are entirely characteristic of incarcerated youth and likely account for the resulting diagnoses of oppositional defiant disorder and conduct disorder and other hyperkinetic disorders that make up a majority of the 70% of youth diagnosed as having a mental health disorder. The trauma our youth have experienced is pervasive and it is multi-generational. If we don't treat the whole family system we will be less successful in responding to the needs of our youth.

Juvenile justice systems have struggled to develop the range of behavioral health services that satisfactorily address the needs of children and families. For example, the partnership between the John D. and Catherine T. McArthur Foundation and the National Center on Mental Health and Juvenile Justice through the foundation's Models for Change initiative has led to some significant improvements in the collaboration strategies between state level mental health and juvenile justice agencies.

In addition, SAMHSA's Center for Mental Health Services' System of Care work in numerous states has provided both the philosophy and the strategies for interagency collaboration among child serving agencies, including mental health, child welfare, education, and juvenile justice. Children and adolescents cross multiple agencies, and programs and services must come from the combined efforts and collaboration among them all—from the identification of a youth with mental health needs to their treatment in programs and services that all agencies have a collective interest in developing.

There are several core values and strategies in approaching this effort, some of which are already embodied in the Juvenile Justice and Delinquency Prevention Act:

1. Deinstitutionalization of Status Offenders

Status offenses are those that only a minor can be charged with such as truancy, running away and curfew violations. These are the very behaviors we would expect from a youth being sexually abused or otherwise traumatized—many girls are running away from abusive adults in their families or neighborhoods. Locking girls up for what may be adaptive or survival behavior is wrong. Incarceration is not good

for anybody, and for traumatized youth it recapitulates their original trauma experiences.

2. Early Identification of Youth with Mental Health or Substance Abuse Disorders

A critically important development in recent years is the systematic identification of youth with mental health or substance abuse disorders with validated screening instruments (such as the MAYSI-2,[7] GAIN-Q,[8] and Trauma Severity Index[9]) upon their first contact with juvenile justice agencies. Screening must lead to culturally sensitive, evidenced-based treatments—whether within juvenile justice agencies or facilities or in the community.

3. Diversion to Community-Based Programs

Whenever public safety concerns allow, youth should be diverted from detention or incarceration to home- or community-based treatments with proven effectiveness.

4. Use of Evidenced-based Treatments and Services

Quite a lot is now known about the kinds of services and supports that work most effectively with the juvenile justice population. These include Multi-systemic Therapy, Functional Family Therapy and Multi-Dimensional Treatment Foster Care.[10] These interventions bring therapeutic services into the home (or foster home) with varying intensity and for various durations to work with the youth and family in natural settings.

5. Adult Jail and Lockup Removal

Youth locked up in adult jails suffer significantly higher negative outcomes than youth in juvenile facilities, from higher suicide rates to increased likelihood of being victims of assault and abuse.[11] Youth under the age of 18 should not be held in adult jails, whether they are charged in the juvenile justice system or the adult criminal justice system.

6. "Sight and Sound" Separation

Youth held in adult jails [or prisons] even for brief periods of time, such as for screening or waiting for transport to juvenile facilities, should be kept completely separated from adult inmates to reduce the likelihood of their being abused or exploited.

7. Disproportionate Minority Contact (DMC)

States and local jurisdictions must be held accountable to assess and address the racial and ethnic disparities affecting youth of color that exist throughout the juvenile justice system.

These basic protections must be a priority for this committee to ensure that youth in need of mental health treatment who come into contact with the juvenile justice system are able, whenever possible, to receive effective services at home or in their communities.

Let me share with you now the singular efforts of the District in creating a model for change. DYRS has implemented Positive Youth Development as its signature focus. PYD incorporates a culturally competent, strength-based, family-focused agenda for those youth in the District who further penetrate and are committed to the District's juvenile justice system. DYRS has also adopted a public health model for its health services—both medical and behavioral health. With the recognition of trauma as the central issue with which most of our youth are faced and the multi-generational nature of this phenomenon, DYRS has adopted a set of strategies that incorporate families, schools, living unit staff and multiple agencies in the development of family recovery plans.

ENDNOTES

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[Ms. Weisman's responses to questions for the record follow:]

LIVINGSTON STREET, NW,
Washington, DC, October 1, 2007.

Committee on Education and Labor, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MILLER AND CHAIRWOMAN MCCARTHY: Thank you for the opportunity to provide additional comments to add to my testimony before the U.S. House of Representatives Education and Labor Committee, Subcommittee on Healthy Families and Communities.

Youth in Adult Facilities

Unfortunately, too many youth in America are exposed to the dangers of adult jails and prisons. On June 30, 2006, there were 2,364 juveniles in state prisons, a 7.1% increase since the year before. There were also 6,104 juveniles in adult jails—4,836 were held as juveniles in the juvenile court system, and 1,268 were held as youth in the adult criminal system.[1] Adult facilities are often unsafe for other adults but because of their size and age, youth are especially vulnerable. A report by the Commission on Safety and Abuse in America's Prisons found that "violence remains a serious problem in America's prisons."[2] Sexual violence varies across systems and states, but almost every system experiences problems with sexual violence. According to a Bureau of Justice Statistics report, about 36% of the reported allegations of sexual violence in 2006 involved staff sexual misconduct; 34% inmate-on-inmate nonconsensual sexual acts; 17% staff sexual harassment; and 13% inmate-on-inmate abusive sexual contacts. This report also found that 13% of the victims of substantiated incidents of inmate-on-inmate sexual violence in jails were juveniles under the age of 18—a surprisingly high percentage of victims. In contrast, youth under 18 were 0% of the perpetrators of sexual violence in jails.[3]

Youth are also particularly susceptible to suicide when placed in jails. According to another Bureau of Justice Statistics report, Suicide and Homicide in State Prisons and Local Jails, jail inmates under 18 had the highest suicide rate (101 per 100,000) of all inmates. While the most common cause of death for jail inmates over 18 is illness, that is not true for youth. A few other facts are particularly important to note from that study. First, jail inmate suicides were heavily concentrated in the first week spent in custody (48%). Almost a quarter of all jail suicides took place either on the day of admission to jail (14%) or the following day (9%). Second, of all offender groups, public-order offenders spent the shortest time in custody prior to committing suicide; half of their suicides took place in the first three days of custody. Finally, rates of inmate suicide were closely related to jail size, with the smallest facilities recording the highest suicide rates.[4] These findings are particularly relevant to the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPA) because many people do not realize that youth held in jails for even very limited periods of time are at a great risk of suicide. These findings support my recommendation to extend the core protections to cover youth in the adult system as well.

Conditions of Confinement

The first national survey of juvenile facilities conducted in 1990-92 by Abt Associates for the Office of Juvenile Justice and Delinquency Prevention, found that children were repeatedly held in short-term isolation (one to 24 hours) with many youth being isolated for more than 24 hours; youth frequently were suicidal and were not given appropriate treatment. Unfortunately those abusive practices have not yet ended.

Six years ago state officials closed the South Dakota State Training School after federal litigation by the Youth Law Center revealed that staff regularly sprayed confined youth with pepper spray, chained them by their wrists and ankles to the four corners of their beds, and locked them in their rooms for days and weeks at a time. More recently, the Special Litigation Section of the Civil Rights Division of the U.S.

Department of Justice has found horrendous restraint, isolation, and use of force practices in state facilities in Louisiana (staff "hog-tied" youth, physically beat youth, used mace on youth); Mississippi (staff "hog-tied" youth, shackled girls to a pole, kept girls in "dark room "); and other states.[5] Earlier this year, an investigation of Texas Youth Commission facilities revealed more than 2,000 complaints of abuse in over 50 facilities. Unfortunately, the Texas Youth Commission has declined to follow the recommendations of a commission created to investigate the abuses and has proposed increasing the use of pepper spray at its facilities. The JJDPA should send a clear signal to juvenile justice facilities nationwide that such practices are unacceptable.

In reauthorizing the JJDPA, Congress has the opportunity to include prohibitions on the use of some especially dangerous practices. These include use of chemical agents; use of pain compliance techniques; hitting, kicking, striking, or using chokeholds or blows to the head; use of four- or five-point restraints, straightjackets, or restraint chairs; tying or placing in restraints in uncomfortable positions; periods of excessive isolation; restraining to fixed objects; restraining in a prone position or putting pressure on the back; using physical force or mechanical restraints (including shackling) for punishment, discipline, or treatment; and use of belly belts or chains on pregnant girls. These recommendations are based on the recommendations of experienced attorneys, physicians, and psychologists who have seen such practices firsthand in states throughout the country. The recommendations are in keeping with national standards for conditions in juvenile detention facilities created by the Annie E. Casey Foundation for its Juvenile Detention Alternatives Initiative. The standards include the combined insight of 15 national experts, myself included, as to effective best practices for safe and humane juvenile facilities.

In addition, states should be encouraged to create independent monitoring offices with authority to investigate and seek remedies of harmful conditions in their juvenile facilities through the use of incentive grants. Establishing independent state monitoring authorities with sufficient power to make necessary changes where harmful practices are found could significantly improve the quality of conditions in facilities nationwide. Currently there is only one main agency available to investigate and remedy such abuses. The Civil Rights Division of the Justice Department is been able to pursue some investigations under the Civil Rights of Institutionalized Persons Act. Private, nonprofit legal advocacy organizations such as the Center for Children's Law and Policy, Youth Law Center, and National Center for Youth Law, who have historically improved conditions of confinement through litigation, have been hampered by procedural and other obstacles in the Prison Litigation Reform Act. The Office of Juvenile Justice and Delinquency Prevention of the Justice Department has no authority, experience, or expertise to conduct such investigations. The Prison Rape Elimination Commission focuses on one portion of the problem—sexual abuse of inmates in adult and juvenile facilities—but has no authority to conduct individual investigations or pursue remedial litigation.

Mental Health Services

The U.S. Surgeon General has found that debilitating mental disorders affect one in five U.S. youth, but access to effective treatment is often limited. In July 2004, Rep. Henry A. Waxman and Sen. Susan Collins released the results of a national survey of juvenile detention facilities that assessed the inappropriate detention of youth with mental illness. The survey found that without access to treatment in the community, many mentally ill youth were warehoused in detention facilities, even if they did not have any criminal charges pending against them. Criminal justice and juvenile justice agencies across the nation need to use more diversion programs to ensure that people with mental illness are not unnecessarily criminalized. Diversion programs provide an alternative to incarceration by linking individuals to community-based mental health and substance abuse services, housing, medical care, income supports, employment and other necessary services. With appropriate diversion programs in place, youth with mental illness can get the appropriate services they need without ending up in the juvenile or criminal justice systems.

In well-run juvenile justice agencies, youth are screened upon arrival at secure facilities to identify the need for further evaluation for mental illness, and to ensure that any mental health needs that require immediate attention, such as suicidal youth and youth on psychotropic medications, are identified and their needs promptly met. However, some facilities have not adopted systems to identify youths' needs, and many more are unable to provide adequate services due to insufficient staffing.[6] For many youth with serious mental illness, a juvenile detention center or correctional institution will never be able to meet their treatment needs. Those youth should be served in more appropriate settings such as community and residential treatment centers. In fact, youth who have not previously experienced mental illness

often develop mental disorders while in secure confinement. A recent report by the Justice Policy Institute, The Dangers of Detention: the Impact of Incarcerating Youth in Detention and Other Secure Facilities, found that placing youth in secure confinement itself caused mental distress. For one-third of the incarcerated youth with depression, the onset occurred after they were incarcerated.[7]

The JJDPA could help address these problems by providing incentives or requiring states to ensure that youth who cannot be served appropriately in secure juvenile facilities are diverted to more appropriate sites for their care. In addition, adequate mental health staffing to promptly and effectively treat youth in crisis and those with long-term treatment needs could be required of all states. The combination of diverting youth who cannot be treated in secure juvenile justice settings combined with ensuring timely and appropriate treatment for those who remain would have important effects on the safety of youth both with and without disabilities.

Education

Approximately 36% of youth involved in the juvenile justice system are estimated to have learning disabilities,[8] yet staff of facilities often fail to identify these needs. Youth come to juvenile justice with a high incidence of school failure and truancy, in many cases because schools have failed to identify and meet their educational needs.[9] School failure, disability, and ethnic minority status combine to put children and youth at risk for involvement with the juvenile justice system.[10]

Once incarcerated, youth are, literally, "captive audiences." Facilities have the opportunity to nurture school success in a time when attendance is both required and enforceable, and can be excellent places to meet youths' educational needs. Unfortunately, facilities often fail to identify youth with disabilities, and they frequently lack resources to meet their needs. Facilities also are faced with a wide range of abilities, from first grade level readers to college-level youth. Common problems at facilities include failure to provide meaningful access to the curriculum for limited English speakers, failure to hold school for sufficient hours per day, and failure to provide sufficiently challenging work for more highly achieving youth.

Additional challenges face youth returning to their home communities. Frequently, systems do not sufficiently plan for youths' return to their home schools, so they experience educational disruption when they are released. They often lose credit for the work they did while incarcerated when facility schools fail to transfer records to youths' home school systems. Increased communication and planning for youths' re-entry to their communities can greatly increase their likelihood of success.

A first step in the process of correctional education reform would be requiring minimum standards for educational programs in juvenile detention and confinement facilities that approximate those in public school programs. Federal agencies could propose incentives for states and local jurisdictions that achieve and maintain minimum standards for the operation of correctional educational programs. Agencies could develop a pilot program that involves technical assistance and support as states apply for and meet accreditation standards.[11] Congress could choose to address some of these failures through the JJDPA by requiring the development of minimum standards for educational programs in juvenile detention and confinement facilities that approximate those in public school programs. The JJDPA could also include incentives for states that achieve and maintain minimum standards in their correctional educational programs. OJJDP, in partnership with other federal agencies, could provide technical assistance and support as states increase their capacity for effective correctional education programs.[12]

Sincerely,

ANDREA WEISMAN, PH.D., *Chief of Health Services, DC Department of Youth Rehabilitation Services.*

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Chairwoman MCCARTHY. Mr. Aos.

STATEMENT OF STEVE AOS, ASSISTANT DIRECTOR, WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY

Mr. AOS. Madam Chair, members of the committee, my name is Steve Aos. I am an assistant director and an economist with the Washington State Institute for Public Policy.

The Institute conducts nonpartisan research at the request of the legislature in Washington State, and I want to talk to you a little bit today about what we have done in Washington State for our legislature, and some of the principles that we have found may be helpful to you as you consider the reauthorization. Our legislature was interested, actually, in a broader question. It wanted to know how to reduce crime, one, and, two, how to do it cost-effectively, how to actually do the smart thing so that you can save reduced crime rates and save taxpayers' money in the process. So we began to look at their request and a wide range of options—options in the prevention system, in juvenile justice and in adult corrections.

In conducting a thorough review of the research literature, we found 571 solid studies in all of those areas, control group kinds of studies, of what works and what does not to reduce crime. We found some things that do not work and some things that do. Then we also did an economic analysis of those programs.

What we produced then for our legislature is kind of a consumer reports, a list, of what works, what does not ranked by what we think is the kind of rate of return we can give taxpayers with the different programs. That research has been used now by our legislature, I am happy to report in this 2007 session, to substantially reform the way we spend our money in all three of those systems, in the prevention system, the juvenile justice system and in the adult corrections system.

What we did find when we did that work is that we think we can avoid buildings several new prisons, adult prisons, down the road, particularly if we concentrate on some prevention programs and some juvenile justice programs. Those look particularly attrac-

tive to us. Economically, they can save taxpayers in our State a considerable amount of money. For example, let me just pick out one that is in the juvenile justice system, a program that we are implementing now in Washington State. It is called Functional Family Therapy. This is a program that was done outside of Washington State. We looked at it. We looked at all seven studies that had been done of it. We thought it made sense.

We imported it into Washington State, put it into our juvenile court system. The State funded that program. We evaluated it. We found out that it is working pretty much as we thought it would once we had good quality control of that program, and we think it is saving taxpayers about $7 for every $1 it puts in, and additionally, because there are fewer crimes committed by those juveniles, we think it is saving about another $7 or $8 to the crime victims or to people who are not victimized. So its total return is about $15, a benefit per $1 of cost, so it looks awfully attractive to us.

The lessons that I think I would like to leave the committee with here, if you want to learn anything about what we have tried to do in Washington State, is that, one, the first thing is that the research has progressed in the last 10 years. We know a lot more now about what works and what does not work, and that is useful to put that into action now. We have done it in Washington State. We would suggest it would be a good thing to put that information into play as you reauthorize.

The second thing that we have looked at is, if you think about this as an investment as you might do on Wall Street, you know, what kind of portfolio of spending do you want to do? What we have tried to do in Washington is to put an increasing percentage, the greatest percentage—70 or 80 percent of what we spend our money on are on the things that are on this list, things for which we already have evidence that work and do not work, and we move money out of things that do not work and put it into things that work, and then we reserve about another 20 or 25 percent for things that we do not know yet as to whether they work or not. "research and development" is what it is called in the business world. You do those. You put some of the money into that research and development part of the portfolio, and then we make sure that we conduct those evaluations.

So we are already on the road in Washington State, we think. The legislature has taken a big step forward this session to try to implement some of these programs, some of these things that work. We have shifted money out of things that do not work. We were doing some things that did not make any sense to us based on rigorous research, and we have moved those dollars into things where we think we can give taxpayers a better return on their dollar.

Thank you, Madam Chair.

Chairwoman McCarthy. Thank you, Mr. Aos.

[The statement of Mr. Aos follows:]

Prepared Statement of Steve Aos, Assistant Director, Washington State Institute for Public Policy

Thank you Madam Chair and Members of the Committee. I am Steve Aos, Assistant Director of the Washington State Institute for Public Policy. The Institute I work for was created by the Washington State Legislature in 1983 to carry out nonpartisan research on projects as directed by the Legislature.

I have been asked to discuss recent work we have done for the Washington State Legislature on juvenile justice issues. Since our Legislature has taken a broad view of crime and ways to reduce it, I will also broaden my remarks on the juvenile justice system to encompass our analysis of prevention programs for youth before they become involved in the juvenile justice system, and, at the other end of the age spectrum, cost-effective public policy options for adult offenders. As I discuss, we have found that all three efforts are needed if a state is to implement a long-term crime reduction strategy that uses taxpayer money efficiently.

Legislators in Washington State asked my Institute to examine a straightforward question: What works to reduce crime—and what doesn't?

They wanted us to apply rigorous standards to identify the specific "evidence-based" public policy options they could exercise. They also wanted to know whether the options could pass an economic test. That is, if an option can reduce crime, then does the program also save taxpayers more money than the option costs? Thus, the two hallmarks of our work are its explicit focus on evidence-based options and on sound economics. Washington legislators wanted to identify public policies that pass both tests.

We have published a number of reports on our work. Our October 2006 study—"Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates"—contains the full set of options we have identified to date. I will briefly summarize our findings today; the full document is available on our website: *www.wsipp.wa.gov*.

In short, this is what we did and what we found. We conducted a systematic review of all research evidence we could locate to identify what works, if anything, to reduce crime. We found and analyzed 571 rigorous comparison-group evaluations of adult corrections, juvenile justice, and prevention programs, most of which were conducted in the United States during the last 30 years. We then estimated the benefits and costs of many of these evidence-based options from the perspective of Washington State. That is, if Washington were to implement any of these options, would they be beneficial to the state? Finally, we projected the degree to which alternative "portfolios" of these programs could affect future prison construction needs, criminal justice costs, and crime rates in Washington.

We found that some evidence-based programs can reduce crime, but others cannot. Per dollar of spending, a number of the successful programs produce favorable returns on investment. Public policies incorporating these options can yield positive outcomes for Washington. We then projected the long-run effects of three example portfolios of evidence-based options: a "current level" option as well as "moderate" and "aggressive" implementation portfolios.

We found that if Washington successfully implements a moderate-to-aggressive portfolio of evidence-based options, a significant level of future prison construction can be avoided, Washington taxpayers can save about two billion dollars, and crime rates can be reduced. Perhaps most significant for your hearing today, we found that several of the most cost-effective options are in the juvenile justice and prevention areas.

Before discussing our findings in a bit more detail, I want to report to you that the 2007 Washington Legislature used the Institute's findings to alter substantially the State's approach toward some criminal justice policies. The Legislature has shifted funding away from some previous efforts that have not proven successful and moved those funds toward evidence-based cost-beneficial programs. In addition to shifting funding, the 2007 Legislature also increased funding levels for some of the most economically attractive options on our list. The Legislature expects a payoff for its action: as a result of these new investments, the Legislature now expects future crime rates and criminal justice costs to be lower than they otherwise would be. In effect, Washington has placed a fiscal bet on these options and now must deliver the results for the taxpayers who pay for the programs.

As we did our research, the first thing we learned is that a coherent set of crime reduction policies must be broad in scope and be targeted at the long run. We found that it is necessary to think about a "portfolio" of public policy options if the long-term goal is to reduce crime and save taxpayers money. Thus, the strategies that we identified are in three broad public policy areas: prevention, juvenile justice, and adult corrections. We found that some well-researched prevention programs for children and their families can reduce crime down the road. We also found that several juvenile justice programs designed for youth already in the juvenile justice system are critical elements of an overall crime reduction strategy. Finally, we identified a number of effective and cost-beneficial options in the adult corrections system.

The important point from our work is this: a coherent long-term strategy involves all three elements—prevention, juvenile justice, and adult corrections. Our overall conclusion is one of good news: In the last two decades, research on what works and

what doesn't has developed and, after considering the comparative economics of these options, this information can now be used to improve public resource allocation.

For the topic of this hearing in particular, we found that cost-effective prevention and juvenile justice programs are a very significant part—perhaps over half—of the solution for Washington to achieve long-term reductions in crime rates as well as net reductions in criminal justice costs. A significant way to avoid having to build adult prisons down the road is to implement evidence-based cost-beneficial prevention programs for youth and for youth in the juvenile justice system.

Some Specific Findings

The findings from our study center on three questions: what works to reduce crime; what are the economics of each option; and how would alternative portfolios of these options affect Washington's prison construction needs, state and local criminal justice costs, and crime rates?

I have attached an Exhibit from our October 2006 study that summarizes some of the key findings from our current systematic review of the evaluation research literature. As the Exhibit reveals, we found a number of programs that have demonstrated statistically significant reductions in crime outcomes. We also found other approaches that do not achieve a statistically significant reduction in recidivism. Thus, the first lesson from our evidence-based review is that some programs work and some do not. A direct implication from these mixed findings is that public policies that reduce crime will be ones that focus resources on effective evidence-based programming while avoiding ineffective approaches.

An example of the information provided on the attached Exhibit is the juvenile justice program called "Functional Family Therapy" (FFT). This program follows a specific training manual and approach. The FFT program, which has been implemented in Washington, involves an FFT-trained therapist working for about three months with a youth in the juvenile justice system and his or her family. The goal is to increase the likelihood that the youth will stay out of future trouble. We located and meta-analyzed seven rigorous evaluations of this program—one conducted in Washington—and find that the average FFT program with quality control can be expected to reduce a juvenile's recidivism rates by 15.9 percent.

We also wanted to know what the economics looked like for FFT. To do this we estimated benefits from two perspectives: taxpayers' and crime victims'. For example, if a program is able to achieve statistically significant reductions in recidivism rates, then taxpayers will spend less money on the criminal justice system. Similarly, if a program produces less crime, then there will be fewer crime victims. For the FFT program, we find that the program costs, on average, $2,325 per juvenile participant. The 15.9 percent reduction in recidivism rates that we expect FFT to achieve generates about $34,146 in life-cycle benefits, measured in terms of the taxpayer and crime victim costs that are avoided because of the reduced long-run level of criminal activity of the youth. Thus, the net present value of this juvenile justice program is expected to be $31,821 per youth.

Bottom Line

The purpose of our legislatively directed study was to test whether evidence-based public policy options could: (a) lower the anticipated need to build new prisons, (b) reduce state and local fiscal costs of the criminal justice system, and (c) contribute to reduced crime rates.

We found that there are economically attractive evidence-based options in three areas: adult corrections programs, juvenile justice programs, and prevention. Per dollar of spending, several of the successful programs produce favorable returns on investment. Public policies incorporating these options can yield positive outcomes for Washington.

We also found that if Washington can successfully implement a moderate-to-aggressive portfolio of some of these evidence-based options, then a significant level of future prison construction can be avoided, state and local taxpayers can save about two billion dollars, and net crime rates can be lowered slightly. In particular, we found that cost-beneficial prevention and juvenile justice programs play a critical role in a long-term crime control strategy for Washington State.

Finally, as I mentioned earlier, the 2007 Washington Legislature used this information to make significant changes to the way it funds the state's prevention, juvenile justice, and adult corrections systems.

Madam Chair, this concludes my testimony.

[Mr. Aos's responses to questions for the record follow:]

[VIA ELECTRONIC MAIL],
October 1, 2007,

Hon. GEORGE MILLER, *Chairman;* Hon. CAROLYN MCCARTHY, *Subcommittee Chairwoman, Committee on Education and Labor, U.S. House of Representatives, Washington, DC.*

Thank you for the honor of testifying to the Subcommittee on Healthy Families, September 18, 2007.

In your follow-up letter you asked for answers to some additional questions from Representative Robert C. Scott. Representative's Scott's questions concern, primarily, the effects of confinement of juvenile offenders in adult corrections systems, the effects of confinement of status offenders, and ways to decrease minorities and those with mental illness in the juvenile justice system.

Unfortunately, I do not have research results on the topics concerning confinement. As my testimony indicated, I conduct research at the request of the Washington State Legislature and, to date, our Legislature has not asked us to look into these topics. There is research in the nation on these matters, but I have not reviewed it.

In terms of ways to reduce the proportion of minorities in the juvenile justice system, I refer the Committee to the testimony I delivered. The Table in my testimony lists the programs that we have found to be effective in reducing juvenile offending. We have found some of these programs to be equally effective for all groups of juveniles. For example, we found that the program called "Functional Family Therapy" works equally well with minority and non-minority juvenile justice populations. We recommend that these evidence-based programs become an integral part of a State's overall strategy of cost-effectively reducing crime. As I also noted, we have found that some prevention programs also work; we also recommend the adoption of these programs as an effective way to reduce the chance that crime will be committed in the first place. Washington State, for example, has recently substantially increased its investments in these programs.

Thank you again for allowing me to testify.

STEVE AOS, *Assistant Director,*
Washington State Institute for Public Policy.

[Additional materials submitted by Mr. Aos follow:]

[Internet address for "No Turning Back: Promising Approaches to Reducing Racial and Ethnic Disparities Affecting Youth of Color in the Justice System," report, by the Building Blocks for Youth Initiative, October 2005, follows:]

http://www.buildingblocksforyouth.org/noturningback/ntb—fullreport.pdf

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[A copy of the King County resource guide, "Information Sharing: A facilitating tool for the agency partners, and their professional staff, of the King County Systems Integration Initiative," 2006, may be obtained by contacting Casey Family Programs at the following Internet address:]

www.casey.org

Chairwoman MCCARTHY. Ms. Ambrose.

STATEMENT OF ANNE MARIE AMBROSE, DIRECTOR, CHILD WELFARE AND JUVENILE JUSTICE SERVICES, DEPARTMENT OF PUBLIC WELFARE, COMMONWEALTH OF PENNSYLVANIA

Ms. AMBROSE. Thank you.

Good morning. I am Anne Marie Ambrose, the Director of Child Welfare and Juvenile Justice Services for the Commonwealth of Pennsylvania. I am happy to have this opportunity to be here today

to represent Pennsylvania as well as juvenile justice administrators and advocates on the critical importance of the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

The JJDPA has been critical in supporting juvenile justice system improvement and for delinquency prevention. The establishment of the Pennsylvania State Advisory Group and the Juvenile Justice and Delinquency Prevention Committee within the Pennsylvania Commission on Crime and Delinquency in 1978 has provided tremendous leadership and commitment to improving the juvenile justice system and to providing a consistent focus on delinquency prevention. This important work has been accomplished over the past several years primarily because of the strength of the JJDPC.

We are appointed by the governor without regard for political affiliation, but based on experience, expertise and dedication in the field of juvenile justice. Our committee is composed of judges, probation officers, researchers, youth and victim advocates, defenders, district attorneys, practitioners, community leaders, providers, and educators. We have the best and the brightest engaged in intensive discussions and planning to create a framework for juvenile justice and delinquency prevention goals for Pennsylvania youth and families.

We believe in the fair, humane and just treatment of all youth in the juvenile justice system. We believe that all youth have the promise and potential to become productive citizens through our juvenile justice mission of balanced and restorative justice, which includes the protection of the community, accountability for offenders and competencies to enable children to become responsible and productive members of the community. The JJDPC meets quarterly and submits a plan to the governor every 2 years. Subcommittees meet quarterly as well to drive the work and to make recommendations in critical priority areas such as female services, evidence-based prevention, as well as disproportionate minority confinement.

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

Our key priority areas are evidence-based prevention, disproportionate minority contact, after care, and behavioral health. The JJDPC has used much of their Federal funding over the years to invest in over 160 evidence-based prevention and intervention programs such as multidimensional treatment, foster care, functional family therapy, and multisystemic therapy.

In the absence of any good research that establishes that public safety is enhanced by prosecuting juveniles in adult court or in placing them in institutions, Pennsylvania has invested in supporting youth and families in their communities. In order to build our current prevention efforts and to build more instate capacity, planning is underway to develop a resource center for evidence-based prevention and intervention practices. As you have heard on this panel, these interventions are both cost-effective and have proven outcomes. Important resources like this require stable Fed-

eral funding to succeed. In 2003, the JJDPC priorities became the foundation for our work with the MacArthur Foundation's Model for Change Initiative. The partnership with MacArthur has been critical to advancing JJDPC's priorities and in seeking to promote broad juvenile justice system reform in the areas of after care, mental health and disproportionate minority contact.

Pennsylvania believes in keeping children and families together whenever possible and in using the least restrictive intervention necessary. We have implemented performance-based standards launched by the Council of Juvenile Correctional Administrators and supported by OJJDP to ensure quality of care in juvenile correctional facilities for youth who require secure confinement but believe that most youth should be served in the community, if possible.

Pennsylvania's SAG—the Juvenile Justice and Delinquency Prevention Committee—have helped to create a model juvenile justice system. In 2005, of 45,504 delinquent dispositions, only 3,487 youths were placed in out-of-home care. Much of our good work has been built around the core protections for children found in the JJDPA. Those protections should be maintained and strengthened through reauthorization.

Our work has been made increasingly difficult because of significant cuts in funding. OJJDP should be charged with not only holding States accountable for adhering to the goals of JJDPA, but for providing technical assistance to States in order to achieve those goals. Incentive funding should also be made available for States that are able to demonstrate the ability to create innovative and effective local initiatives that provide treatment to youth involved in the juvenile justice system while keeping communities safe. OJJDP should be responsible for measuring outcomes in States that receive Federal funding. Positive outcomes for youth, families and communities must be achieved in order to maintain and to increase Federal funding.

I hope that I have been able to communicate the critical importance of the reauthorization of the JJDPA. It has helped create a synergy in Pennsylvania's juvenile justice system that recognizes the need to provide an opportunity for redemption for our troubled youth while valuing the importance of community protection and the community's critical role in achieving youth redemption. Our reform efforts would not have been possible without Federal funding that was available over the last several years. In order to sustain our progress and to continue to make critical investments in prevention, including evidence-based programs, we must receive additional Federal funding.

Thank you for the opportunity to address you on this very important issue. I encourage Congress not only to support but to also strengthen the JJDPA. Thanks.

Chairwoman MCCARTHY. Thank you, Ms. Ambrose.

[The statement of Ms. Ambrose follows:]

Prepared Statement of Anne Marie Ambrose, Director of Child Welfare and Juvenile Justice Services, Department of Public Welfare

Good morning members of the Healthy Families and Communities Subcommittee. I am Anne Marie Ambrose, the Director of Child Welfare and Juvenile Justices

Services at the Office of Children Youth and Families in the Department of Public Welfare for the Commonwealth of Pennsylvania.

Thank for the opportunity to be here today to represent Pennsylvania as well as juvenile justice administrators and advocates on the critical importance of the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPA).

The JJDPA has been critical in supporting juvenile justice system improvement and for delinquency prevention. The establishment of Pennsylvania's State Advisory Group (the Juvenile Justice and Delinquency Prevention Committee) within the Pennsylvania Commission on Crime and Delinquency in 1978, has provided tremendous leadership and commitment to improving the juvenile justice system and to provide a consistent focus on delinquency prevention.

This important work has been accomplished over the past several years primarily because of the strength of the Juvenile Justice and Delinquency Prevention Committee (JJDPC). We are appointed by the Governor without regard for political affiliation but based on experience, expertise and dedication in the field of juvenile justice.

Our committee is composed of judges, probation officers, researchers, youth and victim advocates, defenders, district attorneys, practitioners, community leaders, providers and educators.

We have the best and brightest engaged in intensive discussions and planning to create a framework for juvenile justice and delinquency prevention goals for Pennsylvania youth and families.

Pennsylvania has a proud history of full compliance with the core requirements of the JJDPA, which include: Deinstitutionalization of Status Offenders (with a particular emphasis on the special needs of girls), Jail Removal, Sight and Sound Separation, and Disproportionate Minority Contact. The Core Protections have all been longstanding goals of Pennsylvania's juvenile justice system.

We believe in the fair, humane and just treatment of all youth in the juvenile justice system. We believe that all youth have the promise and potential to be productive citizens through our juvenile justice mission of Balanced and Restorative Justice.

In the early 1990's high violent juvenile crime rates raised concerns as to the effectiveness of juvenile justice system intervention. Out of these concerns, Act 33 of Special Session No. 1 was passed by the Pennsylvania General Assembly in November 1995. Act 33 amended Pennsylvania's Juvenile Act to provide that, consistent with the protection of the public interest, the purpose/mission of the juvenile justice system is "* * * to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community."

The new purpose clause in the Juvenile Act is rooted in the philosophy of "balanced and restorative justice," which gives priority to repairing the harm done to crime victims and communities and which defines offender accountability in terms of assuming responsibility for the harm caused by his/her behavior and taking action to repair that harm to the extent possible.

In response to recommendations presented to the Governor in 1997 by the JJDPC, the Commonwealth has developed a strong juvenile justice and delinquency prevention infrastructure that has helped to make Pennsylvania a national leader in juvenile justice and delinquency prevention.

In 1998, the Committee adopted a mission statement and guiding principles for Pennsylvania's juvenile justice system in order to guide the operation of the system and shape system policy.

The JJDPC meets quarterly and submits a plan to the Governor every two years. The JJDPC Subcommittees meet quarterly as well to drive the work and make recommendations in critical priority areas such as female services, evidence-based prevention and intervention practices as well as disproportionate minority contact.

The JJDPC in coordination with PCCD's Office of Juvenile Justice and Delinquency Prevention has administered federal funding under the JJDP Act to advance overall juvenile justice system improvement and for delinquency prevention.

Through the years our committee has used the goals of the JJDPA and critical federal funding as a springboard for juvenile justice reform that has become a national model.

Title II funds have supported a broad range of juvenile justice and delinquency prevention projects and this has been the most stable federal funding source over the last several years.

These funds have focused on 4 main areas: compliance monitoring activities to maintain compliance with the federal JJDP Act, addressing the issue of dispropor-

tionate minority contact in the juvenile justice system, implementing model delinquency prevention programs and overall juvenile justice system improvement efforts.

The Juvenile Accountability Block Grant (JABG) Program was created to encourage state and local governments to hold delinquent youths responsible for their offenses through accountability-based sanctions.

Local units of government have been able to use these funds covering the entire spectrum from entry-level diversion programs such as Youth Aid Panels to Intensive Aftercare services for sex offenders.

Title V funds under the JJDP Act have been used to support sustainability efforts for Pennsylvania's Communities That Care (CTC) initiatives. Title V funds support projects that were developed and implemented through the efforts of CTC risk-focused Prevention Policy Boards at various locations throughout Pennsylvania.

The CTC initiatives help to sustain community collaboration and prevention/intervention programs that create safe places for children and youth, reduce problem behaviors among children and youth, and teach children and youth healthy beliefs and clear standards.

Title V funds under the JJDP Act were used to launch Pennsylvania's CTC Risk-Focused Prevention Initiative in 1994 and CTC is still a critical prevention planning process used by many communities around the Commonwealth.

Devastating cuts in federal funding over the last few years have forced the committee to reevaluate our work and focus even more on prevention as well as sustainability of programs.

Through the leadership of the Pennsylvania Commission on Crime and Delinquency's Juvenile Justice and Delinquency Prevention Committee (JJDPC) and its system partners, Pennsylvania continues to be a model for the nation in its approach to preventing and appropriately responding to delinquency. The combination of state leadership and vision with local autonomy and innovation is the strength of our system and future progress will depend on continued commitment and leadership.

Key priority issues targeted for improvements are:

1. Evidence-Based Prevention and Intervention Practices
2. Disproportionate Minority Contact
3. Aftercare
4. Behavioral Health

Pennsylvania is considered a leader in juvenile crime prevention.

Since 1998, PCCD, through the leadership of the JJDPC, has funded over 160 model prevention/intervention programs with a combination of federal and state funds.

The JJDPC has used much of their federal funding over the years to invest in evidence-based prevention/intervention programs such as Multidimensional Treatment Foster Care, Functional Family Therapy and Multisystemic Therapy.

In the absence of any good research that supports locking youth up, Pennsylvania has invested in supporting youth and families in their communities.

In order to build on our current prevention efforts and build more in-state capacity, planning is underway to develop a Resource Center for Evidence-Based Prevention and Intervention Practices.

The overall purpose is to support the proliferation of high quality and effective juvenile justice and delinquency prevention programs throughout Pennsylvania. We want to improve and promote Pennsylvania's knowledge of effective juvenile justice and delinquency prevention programs and practices by advancing recognized standards of research for determining program effectiveness.

Funding will support the start-up and operation of prevention or intervention programs proven to be effective, and ensure Evidence-Based Program models are implemented with fidelity and adherence to quality assurance standards. PCCD's OJJDP will serve as a resource to the field related to the implementation of evidence-based programming as well as support local innovative intervention programs designed to achieve the juvenile justice system goals of community protection, offender accountability, and competency development to ensure all programs meet a minimum threshold of quality and effectiveness.

A vital part of the overall initiative will be collaborating with all state agencies on planning and programming related to juvenile delinquency prevention and the reduction and prevention of violence by and against children.

Another key aspect is supporting providers and probation departments in documenting their activities so that programs/departments can track their performance and report their outcomes in a standardized way that would ultimately support research into what programs work best with which offenders/respond to community risk factors.

As you will hear on this panel, these interventions are both cost-effective and have proven outcomes. Important resources like the Resource Center for Evidence-Based Prevention and Intervention Practices require stable federal funding to succeed.

In 2003, the JJDPC priorities became the foundation for our work with the MacArthur Foundation's "Model for Change" Initiative.

Pennsylvania was the first state selected to participate in the "Models for Change" initiative supported by the John D. and Catherine T. MacArthur Foundation. Pennsylvania was chosen due to its favorable reform climate and seems poised to become an exemplary system.

Having a strong State Advisory Group like the JJDPC, was a key factor in Pennsylvania's selection and due to strong partnerships among state stakeholders-judges, district attorneys, public defenders, community leaders, and city, county, and state officials.

The partnership with the MacArthur Foundation has been critical in advancing the JJDPC's priorities in seeking to promote broad juvenile justice system reform in the areas of aftercare, mental health services, and disproportionate minority contact.

Pennsylvania believes in keeping children and families together whenever possible and using the least restrictive intervention necessary. We have implemented Performance-based Standards (PbS) launched by the Council of Juvenile Correctional Administrators (CJCA) and supported by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) to insure quality care in juvenile correctional facilities for youth who require secure confinement but believe that most youth should be served in the community if possible.

The Department of Public Welfare has created an Integrated Children's Services Initiative to bring together all child-serving systems in an effort to make appropriate planning decisions. The juvenile justice system should only be for youth who pose a risk to the community and require ongoing court supervision.

Education, mental health and families working together with probation can identify appropriate diversion resources to meet the mandates of Balanced and Restorative Justice. Federal funding is needed to stabilize and expand this innovative practice.

Pennsylvania's SAG, the Juvenile Justice and Delinquency Prevention Committee have helped to create a model juvenile justice system. In 2005, of 45,504 delinquent dispositions, only 3487 youth are placed in out of home care.

Much of our good work has been built around the core protections for children found in the JJDPA. Those protections should be maintained and strengthened through the reauthorization. Our work has been made increasingly difficult because of significant cuts in funding.

OJJDP should be charged with not only holding states accountable for adhering to the goals of the JJDPA but for providing technical assistance to states in order to achieve those goals. Incentive funding should also be made available for states that are able to demonstrate the ability to create innovative and effective local initiatives that provide treatment to youth involved in the juvenile justice system while keeping communities safe.

OJJDP should be responsible for measuring outcomes in states that receive federal funding. Positive outcomes for youth, families and communities must be achieved in order to maintain and increase federal funding.

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

Our reform efforts would not have been possible without federal funding that was available over the last several years.

In order to sustain our progress and continue to make critical investments in prevention, including evidence-based programs, we must receive additional federal funding.

Thank you for the opportunity to address you on this very important issue. I encourage Congress to not only support but also strengthen the JJDPA. My written testimony includes references to additional information on juvenile justice issues. Please use these resources and continue to promote policy that values and supports all of our youth. I am happy to answer any questions you might have regarding my testimony.

[Ms. Ambrose's responses to questions for the record follow:]

BUREAU OF CHILD WELFARE AND JUVENILE JUSTICE SERVICES,
1401 N. 7TH STREET, 4TH FLOOR,
Harrisburg, PA, September 27, 2007.

Committee on Education and Labor, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MILLER AND CHAIRWOMAN MCCARTHY: Thank you for the opportunity to supplement my testimony I gave before the U.S. House of Representatives Education and Labor Committee, Subcommittee on Healthy Families and Communities on September 18, 2007. The following provides my response to questions submitted by Representative Scott.

Consequences of Imprisoning Juveniles with Adults

Imprisoning juveniles with adults does not improve public safety, nor does incarceration with adults help youth make an appropriate transition to adulthood. Youth leaving adult facilities not only come out without the education and skills necessary to succeed and retain jobs, but they have also spent time with career criminals. Available evidence suggests that juveniles who experience the adult criminal justice system commit more subsequent violent crimes following release than juveniles retained in the juvenile justice system. A study done in Florida compared 315 "best-matched" pairs of youth. These youth were matched based on age, race, gender, previous offenses, and such. The study found that while 37% of youth who were given juvenile sanctions re-offended, 49% of the youth receiving adult sanctions re-offended.[1] In addition, there is insufficient evidence to believe that transferring youth to the adult system is an effective deterrent to crime either.

In addition, the MacArthur Foundation Research Network on Adolescent Development has conducted extensive research that shows that children in adult facilities face harsher settings and experience more developmental problems than children in juvenile correctional settings.[2] Correctional administrators across the country recognize the ill-effects of housing youth in adult facilities and the Council of Juvenile Correctional Administrators (CJCA) has issued a policy statement against the placement of youth in adult facilities.

Consequences of Imprisoning Status Offenders

Placing youth who have committed status offenses in lock-ups is stigmatizing and counters all goals of rehabilitation. Detention/incarceration interrupts educational progress, pro-social relationships with peers, family, caring adults, and often undercuts job training and employment opportunities. Feelings of social isolation and a sense of hopelessness are exacerbated not reduced during imprisonment—in essence making it more likely that a young person will feel alienated. Common sense and research tells us that imprisonment is not a positive approach to status offending behavior. Status offenders are youth who engage in behavior only considered delinquent because they are under the age of majority—such as breaking curfews, running away from home, skipping school, underage drinking, etc. Such youth often commit status offenses in response to underlying problems.

The Coalition for Juvenile Justice (CJJ), which serves as the national association of the State Advisory Groups (SAGs) appointed by Governors under the JJDPA, urges strict prohibitions on the use of locked detention/incarceration of status offenders. CJJ calls for appropriate services and supports within a family and home environment whenever possible and at all times close to home and in a healthy school and community context. CJJ cites that it is both contrary to both federal law and to effective practice to lock up status offenders, see *www.juvjustice.org.* CJJ is joined in its view by more than 160 organizations that have come together under the "Act-4-JJ Campaign" of the National Juvenile Justice and Delinquency Prevention Coalition, see *www.act4jj.org.*

Here in Pennsylvania, we have found that home- family and community-based care for status offending youth is by far the most effective approach.

Effective Ways to Reduce DMC

To effectively reduce racial and ethnic disproportionality, a coordinated body of juvenile justice and community stakeholders must engage in an intensive, data-driven examination of juvenile justice policies, procedures, and practices that may dispar-

[1] Bishop, D.M., Frazier, C.E., Lane, J., & Lanza-Kaduce, L. (2002, January). Juvenile transfer to criminal court study: Final report. p. 15. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

[2] MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice. (2006, September). Issue Brief 5: The changing borders of the juvenile justice system: Transfer of adolescents to the adult criminal court.

ately impact youth of color. At present there are two major initiatives going on across the country that are actively making progress in reducing racial disparities: the MacArthur Foundation's Models for Change Initiative; and the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI).

As I mentioned in my testimony, Pennsylvania has a model juvenile justice system and is part of the MacArthur Foundation's Models for Change Initiative. Reform work in the DMC area begins with the effort to understand the problem statistically. Since 1989 the DMC Subcommittee of Pennsylvania's Juvenile Justice and Delinquency Prevention Committee has used arrest, juvenile court, and detention admissions data compiled by the National Council on Juvenile Justice (NCJJ) to monitor statewide trends in the handling of youth involved at various stages of the juvenile justice system, identify emerging problems at certain stages for some groups, and target finite resources for system reform. The data have also been used to track the extent to which members of minority groups are beneficiaries of alternative processing options such as diversion from court or home detention.

Local juvenile justice stakeholders with access to these indicators at the county level can begin to "look for the story behind the numbers" and develop strategies to assure nondiscriminatory decision-making across population groups and identify areas that may need more in-depth examination. With guidance from the DMC Subcommittee, the Center for Children's Law and Policy, under Pennsylvania's partnership with the MacArthur Foundation's Models for Change initiative, is working in three Pennsylvania counties to help facilitate an examination of racial data at the county and neighborhood levels and to plan system improvements intended to reduce disparities. The Juvenile Court Judges' Commission has been successful at enhancing the reliability and completeness of the state's data on the processing of juveniles of Hispanic ethnicity. These efforts have resulted in the issuance of a Racial Coding Booklet which provides detailed instructions and guidance to local juvenile courts and probation departments on techniques for gathering accurate information regarding the race and ethnicity of youth involved in Pennsylvania's juvenile justice system. Models for Change also addresses DMC at the local level, through demonstration projects involving partnerships with local courts, probation departments and citizens. In Berks County, Models for Change is working with stakeholders on four task forces to reduce Hispanic overrepresentation through language capability and cultural diversity, education and workforce development, detention alternatives and nontraditional services.

Mentally-ill Youth

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

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

Pennsylvania's commitment to cross-systems collaboration to achieve this vision is further premised on the understanding that no one system bears sole responsibility for these youth. Youth are the community's responsibility, and all policy responses developed for them, on both the state and county level, should be collaborative in nature, reflecting the input and involvement of all child-serving systems

as well as family members. Attached is a copy of our Mental Health and Juvenile Justice Joint Policy Statement.

Conditions of Confinement Issues

The 1994 Congressionally-mandated "Conditions of Confinement" report of juvenile facilities documented how facilities were unsafe for youths and staff, provided inadequate health and mental health services, were overcrowded, and generally were not meeting the expectations for juvenile justice and delinquency prevention. The report called for the development and implementation of Performance-based Standards (PbS), launched in 1995 by the Council of Juvenile Correctional Administrators (CJCA). In 2004, PbS won the "Innovations in American Government Award" by Harvard University's Ash Institute for Democratic Governance and Innovation for addressing the issues of confinement: safety, security, fairness, health/mental health services, education, programming and rehabilitation as well as preparation to return to the community. Currently 180 correction and detention facilities across the country have volunteered to implement PbS (adopt the standards, report outcome data and integrate the improvement process), but they need financial support to continue to use PbS as OJJDP funding is ending. Incentive funds could encourage the remaining 1,000 public facilities to adopt PbS. PbS has been effective in bringing accountability and transparency to juvenile agencies and facilities.

In the reauthorization of the JJDPA, conditions of confinement issues could be addressed by:

1) Establishing and supporting standards and programs that demonstrate effectiveness at keeping youths safe, provide rehabilitation services that work, and are continually reviewed and revised as more recent research and information becomes available.

2) Supporting efforts to monitor facilities, programs, and agencies to ensure they are keeping kids safe and providing rehabilitation. Rewards and incentives should be available for facilities, programs, agencies that continually improve how they care for and treat youths and have outcome data to demonstrate positive impact on youths' lives.

3) Supporting research on specific practices within facilities to develop evidence-based approaches similar to evidence-based research on community-based treatments.

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

Sincerely,

ANNE MARIE AMBROSE,
Director.

[Additional materials submitted by Ms. Ambrose follows:]

[Internet address to "Detention Facility Self-Assessment: A Practice Guide t Juvenile Detention Reform," Juvenile Detention Alternatives Initiative, a poject of the Annie E. Casey Foundation, follows:]

http://www.jdaihelpdesk.org/Pages/PracticeGuides.aspx

Commonwealth of Pennsylvania Mental Health/Juvenile Justice Joint Policy Statement

The Mental Health/Juvenile Justice (MH/JJ) Work Group of the Pennsylvania MacArthur Foundation Models for Change Initiative is comprised of representatives from the juvenile justice, mental health, child welfare, drug and alcohol, and education systems as well as families. Our vision is that by 2010 every county will have a comprehensive model system that: (1) prevents the unnecessary involvement of

youth who are in need of mental health treatment, including those with co-occurring substance abuse disorders, in the juvenile justice system; (2) allows for the early identification of youth in the system with mental health needs and co-occurring disorders; and (3) provides for timely access by identified youth in the system to appropriate treatment within the least restrictive setting that is consistent with public safety needs. The MH/JJ Work Group's goal is to engender the systems change necessary to make this vision a reality, including minimizing barriers that impede county innovation.

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

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

The Fundamentals of a Comprehensive Model System

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

Screening and Assessment

1. Mental health and substance abuse screening is available as needed at key transition points in the juvenile justice system to identify conditions in need of immediate response.

2. Instruments used for screening and assessment are standardized, scientifically-sound, contain strong psychometric properties, and demonstrate reliability and validity for identifying the mental health and substance abuse treatment needs of youth in the juvenile justice system.

3. Safeguards ensure that screening and assessment is used to divert youth out of the juvenile justice system and into mental health and/or substance abuse treatment when appropriate, and information and/or statements obtained from youth are not used in a way that violates their rights against self-incrimination.

4. All youth identified as in need of immediate assistance receive emergency mental health services and substance abuse treatment.

5. All youth identified as in need of further evaluation receive a comprehensive assessment to determine their mental health and substance abuse treatment needs.

6. Youth are not subjected to unduly repetitive screening and assessment.

7. All personnel who administer screening and assessment instruments are appropriately trained and supervised.

Continuum of Services

Diversion

8. Youth and their families have timely access to evidence-based treatment in their communities, such that youth do not have to enter the juvenile justice system

solely in order to access services or as a result of mental illness and co-occurring substance abuse disorders.

9. Diversion mechanisms are in place at every key decision-making point within the juvenile justice continuum such that youth with mental health needs and co-occurring substance abuse disorders are diverted from the juvenile justice system whenever possible and when matters of public safety allow, including into the dependency system as appropriate.

10. Juvenile justice professionals, including judges, prosecutors, defense attorneys and probation officers, receive training on how youth with mental health and co-occurring substance abuse disorders can be diverted into treatment.

11. Youth who have been diverted out of the juvenile justice system are served through effective community-based services and programs.

12. Diversion programs are evaluated regularly to determine their ability to effectively and safely treat youth in the community.

Short-Term Interventions and Crisis Management

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

Evidence-Based Treatment

14. Assessment data is used to develop comprehensive treatment plans for adjudicated youth as part of their disposition.

15. Representatives from all relevant child serving systems (i.e., juvenile justice, child welfare, mental health, substance abuse, education, etc.) and families engage in the development and implementation of comprehensive treatment plans.

16. If diversion out of the juvenile justice system is not possible, youth are placed in the least restrictive setting possible with access to evidence-based, developmentally-appropriate treatment services. Such services are tailored to reflect the individual needs and variation of youth based on issues of gender, ethnicity, race, age, sexual orientation, socio-economic status, and faith.

17. Qualified mental health and substance abuse personnel are in place to provide treatment to youth in the juvenile justice system.

18. In-state capacity provides support for evidence-based treatment programs and their proliferation.

19. Mechanisms are in place to continually measure and evaluate the effectiveness of various treatment modalities, as well as the quality of service delivery.

Continuity of care/aftercare

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

Family Involvement

21. Families engage with all relevant child-serving systems in the development and implementation of comprehensive treatment and aftercare plans for their children.

22. All services are child-centered, family focused, community-based, multi-system and collaborative, culturally competent and offered in the least restrictive/intrusive setting as possible, and these CASSP principles are followed in all treatment planning and implementation.

Funding

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

Legal Protections

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

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

Chairwoman MCCARTHY. Let me say that we are working very hard to see if we can increase funding because that is on the top of everybody's list. We are working under restraints because we do believe "do and pay as you go," but we are going to try to do what we can.

With that being said, listening to all of your testimony, and you are hands-on, I mean, you are the ones who are actually working with these young people. You can see the results. You see where the weaknesses are. As we go forward in trying to reevaluate the funding, certainly we will see what we can do to improve the programs. I think that is important and where all of you come in.

One of the things I would ask you and you can expand on, because I know 5 minutes is not enough time to go through everything you have to say. So one of the things I would say to you is, as we look at reauthorization, I want each and every one of you to give your opinion as to what is the most important thing from what you see that we could do to improve the reauthorization.

One of the things, before I came to Congress, I was a nurse. So, to me, prevention, as far as I am concerned, is the number one issue, and hopefully, we are going to deal with a lot of that as we reauthorize Leave No Child Behind because, again, when we see healthy children, children who are stable in school, that also will prevent them, hopefully down the road, from going into the juvenile justice system.

So, with that, I certainly would open it up to Judge Kooperstein, if you want to start, on what you think is the one thing. We will take money off the table because we are already fighting for that.

Judge KOOPERSTEIN. We are taking money off the table in terms of prevention, Congresswoman.

I do not get to see people who have not committed a crime or who have been arrested as a juvenile through the youth court because I am in a town and am aware of what is going on in the town, basically, from my successful drug treatment court. They are teenagers, two of whom I have established a close relationship with, it is hard to believe, but I have put them in jail, and now we have a relationship, which, of course, a judge is never supposed to have with a defendant, but in the drug treatment court, it is permitted, and Matt tells me what he thinks, so I would like to tell you what he says.

He is 19 years old. He was a football star at Southampton High School, a very bright boy, addicted to three different drugs, really destroying his life, and he told me that the DARE program is very good, but then after the 6th grade, there is nothing available. Those junior high school years are critical. We have puberty, which I believe is a very important thing to consider, and the brain is developing. New kinds of thoughts are coming into their heads, and the availability of the drugs, I hope, we all understand is there. So they are vulnerable. They are going through a phase of rebellion with their parents, and they need something to guide them. Matt

likes the youth court, but until recently, it was not very popular and supported. If we are talking about prevention, something involving that is very good to me, and that would not even involve a judge. If you want real prevention and you want nobody to get arrested, then we need to give our adolescents something else because of the fact that the family alone cannot give them the support because of the factors that face us in this country, and in my town, a lot of it comes down to drugs—the availability of them, the susceptibility of an adolescent and the fact that it is an experimental time, and it is not a gentle time, so they are really out there, and we need to protect them, and we need them to believe us.

Now, these teenagers can tell when you are not telling the truth, so they have held me to a very high standard, Congresswoman. It has been good for me. I learned to cut out a lot of the nonsense, and I talk very directly to them, and they respond. You know, they really do respond if they see you take a real interest, even the hardened ones, even the ones doing Oxy every day, Ecstasy at night, all the things that Matt was doing—pot, coke, everything. He finally was able to believe somebody was really not just pushing him over. He is just going through a phase. Let us just wait it out and hope for the best.

So those are my thoughts.

Chairwoman MCCARTHY. Thank you.

It is my fault for not explaining that I want to try to get an answer from each one of you. So, if you could, go a little bit faster, and just sum up the one issue that you think is important that we should do.

Ms. Clark.

Judge CLARK. Thank you.

I think, certainly, prevention is important, but there is another thing that I would like the committee to consider in terms of those children who are already in the system and who are about to age out, the juvenile delinquent children who are in placement who are getting ready to turn 18 or, in some cases, 21, and we have to close the books on them, and we have not provided them with the skills to make it on their own. They are the children who are in the child welfare system who are about to age out of the system, and they are homeless. They have not achieved their education, and we have not provided them with the tools that they need. I think this is something that we really need to focus on with these kids. We have seen an increase of even older children entering the child welfare system, becoming dependent at 14, 15 and 16 years of age, and we have a little bit of time to work with them, and we need funding for programs that can help these children.

Chairwoman MCCARTHY. Thank you, Ms. Clark.

Ms. GARCIA. I would say that early identification of youth maltreatment is really the key to diverting youth out of the system. We often assume that youth become dependent, and then they are later found delinquent. What the NCJJ study found in Arizona is that it often is the delinquency that sheds light on the family and exposes the years of abuse and trauma that the child has suffered. So, if we can identify early the kids who are being maltreated and provide intensive family services when possible to preserve and to

heal the family, then those youth will not continue down the road towards delinquency.

Chairwoman MCCARTHY. Thank you, Ms. Garcia.

Ms. Weisman.

Dr. WEISMAN. Yes, I actually agree. We should not be surprised that the evidence-based practices that have proven most effective are those that work with the family—as have been mentioned, the multisystemic therapy, functional family therapy, multidimensional, therapeutic foster care—all of those strategies that work in the natural setting and with the family unit as such, and I think that the system of care, the values and concepts of all agencies working together promote those kinds of effective treatments.

I think the most important issue is, again, the significant trauma and abuse that so many of the children have experienced. Again, as I said, it is multigenerational, and unless we work with the family system per se, we are not going to be effective in working with youth individually. So I would encourage us to take more of a public health view on the ills of our youth and especially those who do wind up coming into contact with the juvenile justice system.

Chairwoman MCCARTHY. Thank you.

Mr. Aos.

Mr. AOS. Yes. I would suggest that if the reauthorization focused on evidence-based treatment, practices—wheels cost a lot of money to invent, and we do not need to reinvent some of these. It takes one of you to invent wheels, and there are already a number of models out there that have been shown to work, including the Nurse-Family Partnership, Madam Chair, that employs nurses as a form of prevention, and then the other programs have been mentioned. So, if I were to offer one bit of advice, it would be again to put a substantial portion of what you do in the reauthorization into programs that have already been shown to work, that we do not need to reinvent the wheel. It costs a lot of money to do that. Let us just go out there and do the things that we are pretty confident at this stage reduce crime.

Chairwoman MCCARTHY. Thank you.

Ms. Ambrose.

Ms. AMBROSE. Yes. I would recommend strengthening the Office of Juvenile Justice and Delinquency Prevention so that they are actually holding States accountable for doing good things for youth in the juvenile justice system and then providing incentive funding for use of evidence-based practice and prevention services for youth that we know work.

Chairwoman MCCARTHY. I want to thank you all.

Mr. Davis.

Mr. DAVIS. Thank you, Madam Chairwoman.

Thank you, panelists, for being here today. You have offered some great testimony.

Judge Kooperstein, thank you for your support of the Vols. I appreciate that. We have talked a lot about outcomes today. I wish we had had a different outcome this past Saturday. It was not as good as I would have liked for it to have been.

How are youth chosen for your youth court?

Judge KOOPERSTEIN. Beginning this year, they are referred by a probation officer, by a juvenile probation officer, from her docket.

Mr. DAVIS. How many have actually participated in youth court today?

Judge KOOPERSTEIN. Well, if we begin from the beginning in the early 1990s, I would say well over 200. The statistics and the documentation is scant. In the last year, we had 36 participate, by that, I mean also staff the court—be the judge, the jury, the prosecutor, and the defendant. We have had six trials to date this year, and they are lengthy, and two of them involved substantial drug cases.

Mr. DAVIS. Tell me about one of your major success stories through the drug court.

Judge KOOPERSTEIN. I have spoken about Matt, but I will tell you about someone else, another teenager who was a cocaine addict, who came into the treatment court pregnant. Very soon after she entered, we found out she was pregnant, and she got clean, and that was highly significant because not only did she get clean, but her baby was born drug free.

Mr. DAVIS. That is a great success story.

Judge KOOPERSTEIN. That is a double success.

Mr. DAVIS. That is a great success story. Thank you.

Just real quickly, Mr. Aos, in your testimony, you discussed research to conduct evidence-based approaches.

Can you tell us how you define those "evidence-based approaches"?

Mr. AOS. Well, before I started this job, I did not need reading glasses. I do now.

What we found was by searching all of the well-researched things that have ever been tried anywhere in the country, and so we really combed all of the research studies, throwing out the ones that did not have good comparison groups and just keeping the ones that were very well-controlled trials at these interventions. So, when we come to conclusions about what works and what does not work, it is based on those rigorous studies that have been tried somewhere in the country. Some of them have been in Washington State. Most of them, of course, have been elsewhere.

Mr. DAVIS. Did those approaches actually net an economic return?

Mr. AOS. Pardon me?

Mr. DAVIS. Did you see some economic benefit from using those approaches.

Mr. AOS. Yes. So, after we reviewed all of the literature as to what reduces crime or child abuse or any of the other outcomes of interest to our legislature, we then put on our economic green eye shades, and we said, well, how much money does it cost to do those programs on the one hand, but then to the degree that they achieved an outcome that our legislature was interested in, like less crime or less child abuse, what is that worth to us in Washington State, both as taxpayers, because if we reduce crime, we do not have to spend as much on police and on prisons and also, as well, to the victims who are not victimized. So we added up the benefits, calculated what we thought were the reasonable assumptions about the benefits of these programs and the costs based upon that rigorous research. So that is sort of the green eye shade thing that we did to try to come up with our list.

Mr. DAVIS. Thank you.

Then I have one last question of Ms. Ambrose.

First, let me say congratulations on being selected as the first State to participate in the MacArthur Foundation's Model for Change. Can you tell me how your State was selected?

Ms. AMBROSE. Yes. There was intensive research done by the MacArthur Foundation. I think there were lots of reasons why Pennsylvania was selected. The main reason was probably the strength of our juvenile advisory board. We had lots of leadership in place who were already engaged in many reform efforts that MacArthur research showed were reasons to invest in juvenile justice. So we feel very fortunate to be part of that network. There is a national resource bank that is available to States that are participating in the effort, and so we have been real recipients of additional, not only research, but expertise nationally in order to advance our juvenile justice reform efforts.

Mr. DAVIS. Thank you.

I yield back.

Chairwoman MCCARTHY. Thank you, Mr. Davis.

Mr. Scott.

Mr. SCOTT. Thank you, Madam Chairman.

I want to thank all of our witnesses. It has been very helpful testimony.

Mr. Aos, you indicated that you could reduce crime and save money by focusing on well-researched programs before crimes occurred rather than wait and try to lock people up after they occur; is that right?

Mr. AOS. That is correct.

Mr. SCOTT. I wasn't sure whether you counted in cost savings. Did you count just the criminal justice costs, or did you add in the costs to victims and other costs to society?

Mr. AOS. Yes, Congressman, we did both. We certainly were interested in any savings that would accrue to taxpayers, but we also added up if there is less child abuse, if there is less crime, there will be savings to people who weren't victimized, to kids who weren't victimized, to other people who aren't victimized by those crimes. So we used actually some numbers that were computed by the Federal Government to estimate those victimization cost savings, avoided costs, so that our estimates do include both of those.

Mr. SCOTT. Did you include savings that would be generated by reduced welfare, because some of these programs, by empowering children, getting them on the right track, and more likely to be employed and need social services, do you count other savings outside of the criminal justice system?

Mr. AOS. Yes, sir, we do when we think there is a reason to believe that some of those savings are causally related to the outcome achieved.

Mr. SCOTT. Thank you.

Ms. Weisman what can we do in the foster care system to help reduce crime?

Dr. WEISMAN. Again, I think that multidimensional, therapeutic foster care has been shown to be effective. It is one of the most intensive home- or foster-home-based interventions that can be provided, but there is just not enough of it. In the District we have very few slots, as they say. And there is just an under——

Mr. SCOTT. Those that go from foster home to foster home are at high risk of getting in trouble, and we end up spending a lot of money on them. Would it make more sense to spend the money up front in the focused foster care programs that you are talking about, or would it make more sense to spend less, wait for them to mess up, and spend millions of dollars on prison and other costs?

Dr. WEISMAN. Clearly the answer is yes, it would make more sense to spend more money earlier on and not to have these youth progress inevitably to more expensive institution-based, whether they be juvenile justice systems or prison systems, adult correctional systems.

Whenever possible some of the evidence-based practices should be attempted in the home. I think youth who bounce from one foster care to another foster care family are doubly, triply and exponentially further traumatized by those experiences. We clearly don't want those things to happen, and clearly there needs to be more training, more support services to those families that would serve as foster care families. They do, frankly, much better with younger youth, but when the youth reach their teenage years, then they are becoming involved in the juvenile justice system.

Inevitably the overwhelming number of kids in the juvenile justice system have started out in the child welfare system, and so a lot of further attention and resources need to be spent in the child welfare system working with families reunification and options for them in their natural homes and settings.

Mr. SCOTT. Does that include possibly helping children 18 to 24 who, quote, age out of foster care?

Dr. WEISMAN. Yes. As a matter of fact, I am agreeing with Judge Clark, who noted her concern and the field's concern about the lack of independent living programs for these youth. In fact, my husband and I took in a youth at that juncture in our own lives, a youth who had aged out of the foster care system and had nowhere to go. We took her in at that point and helped her to become independent and self-sufficient. But there needs to be more families like ours, and there needs to be more programs that truly work with the youth on their life skills and abilities to take care of themselves in the community.

Mr. SCOTT. Thank you.

I wanted to ask one other question for the record, because I know my time is up, and that is if the panelists could just tell us what is wrong with locking up juveniles with adults, and what is wrong with locking up status offenders? Those are part of the core requirements of the JJDPA, and we just want that for the record. What is wrong with locking up juveniles with adults and locking up status offenders? And I yield back.

Ms. AMBROSE. Are we waiting for someone to answer? I am happy to answer.

Mr. SCOTT. My time is up. Ms. Clarke, I think, wanted to ask questions.

Chairwoman MCCARTHY. The bells that you heard, we have to go down for a vote.

Ms. Clarke, if you would go forward. But with Mr. Scott, I know that he would like an answer and possibly could they write it up to us and get it to the committee? That would be great.

[The information follows:]

[VIA ELECTRONIC MAIL],
September 20, 2007.

Hon. DEBORAH KOOPERSTEIN, *Administrative Judge,*
40 A Newtown Lane, East Hampton, NY.

DEAR JUDGE KOOPERSTEIN: Thank you for testifying at the September 18, 2007 hearing of the Subcommittee on Healthy Families.

Representative Robert C. "Bobby" Scott (D-VA), a member of the Committee, has asked that you respond in writing to the following questions:

What consequences result from imprisoning juveniles with adults?

What consequences result from imprisoning juveniles convicted of status offences?

What are the most effective ways to decrease the proportion of minorities in the juvenile justice system?

What are the most effective ways to decrease the proportion of individuals with mental illness in the juvenile justice system?

Are there any conditions of confinement issues, including the availability of education that must be addressed in the JJDPA reauthorization?

Please send an electronic version of your written response to the questions to the Committee staff by COB on Tuesday, October 2, 2007—the date on which the hearing record will close.

If you have any questions, please contact the Committee at 202-225-3725.

Sincerely,

GEORGE MILLER, *Chairman,*
Committee on Education and Labor.

CAROLYN MCCARTHY, *Chairwoman,*
Subcommittee on Healthy Families Communities.

[VIA ELECTRONIC MAIL],
September 20, 2007.

Hon. KIM BERKELEY CLAR, *Administrative Judge,*
Family Law Center, Ross Street, Pittsburgh, PA.

DEAR JUDGE CLARK: Thank you for testifying at the September 18, 2007 hearing of the Subcommittee on Healthy Families.

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[VIA ELECTRONIC MAIL],
September 20, 2007.

JANET GARCIA, *Deputy Director,*
Governor's Office for Youth and Families, West Washington, Phoenix, AZ.

DEAR MS. GARCIA: Thank you for testifying at the September 18, 2007 hearing of the Subcommittee on Healthy Families.

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Committee on Education and Labor.

CAROLYN MCCARTHY, *Chairwoman,*
Subcommittee on Healthy Families Communities.

[VIA ELECTRONIC MAIL],
September 20, 2007.

ANDREA WEISMAN, PH.D., *Chief of Health Services,*
Department of Youth Rehabilitation Services, Mt. Olivet Road, NE, Washington, DC.

DEAR DR. WEISMAN: Thank you for testifying at the September 18, 2007 hearing of the Subcommittee on Healthy Families.

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Committee on Education and Labor.

CAROLYN MCCARTHY, *Chairwoman,*
Subcommittee on Healthy Families Communities.

[VIA ELECTRONIC MAIL],
September 20, 2007.

STEVE AOS, *Assistant Director,*
Washington State Institute for Public Policy, East Fifth Avenue, Olympia, WA.

DEAR MR. AOS: Thank you for testifying at the September 18, 2007 hearing of the Subcommittee on Healthy Families.

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Committee on Education and Labor.

CAROLYN MCCARTHY, *Chairwoman,*
Subcommittee on Healthy Families Communities.

[VIA ELECTRONIC MAIL],
September 20, 2007.

ANNE MARIE AMBROSE, *Director,*
Bureau of Child Welfare and Juvenile Justice Services, N. 7th Street, 4th Floor, Harrisburg, PA.

DEAR MS. AMBROSE: Thank you for testifying at the September 18, 2007 hearing of the Subcommittee on Healthy Families.

Representative Robert C. "Bobby" Scott (D-VA), a member of the Committee, has asked that you respond in writing to the following questions:

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CAROLYN MCCARTHY, *Chairwoman,*
Subcommittee on Healthy Families Communities.

Chairwoman MCCARTHY. Ms. Clarke?

Ms. CLARKE. Thank you very much, Madam Chair, and I want to congratulate you on this very excellent panel, and thank the panelists for their commitment to this area of expertise.

I am from New York City, and there is a debate that has begun to simmer regarding the police presence in our public high schools, the impact on the development of at-risk youths in our schools which have been labeled or stigmatized as most dangerous as part of the No Child Left Behind authorizations. Behaviors that a couple of decades ago may have sent students to the principal's office for detention now can send students to the local precinct for detention.

Could you give us a sense of, in our search for safety and security in our school environments, are there some unintended consequences that we need to take heed with, or are we creating a culture of self-fulfilling prophecy, given the social and mental indicators that many of you have talked about with respect to juvenile delinquency?

And I want to direct this question particularly to Dr. Weisman and to Ms. Garcia, as you spoke about early identification, our public schools tend to be that place. And if anyone else wants to give an answer with our time constraints.

Ms. GARCIA. Absolutely schools are the place. Most great schoolteachers will tell you that they can identify the young people who are going to be in trouble, so they are the place.

I will tell a story that one of our judges tells about a young person that came to their detention center. He was acting out in the classroom when they were taking the high-stakes testing that Arizona does, the AIMS test. He refused to take the test, was flipping ahead on the test, an ADHD child. When the teacher redirected him, he got mouthy. She called the principal. The principal came in, the resource officer came in. The kid got a little aggressively acting out, the police were called, ended up in handcuffs, ended up in a juvenile detention center. The kicker to the story is the child was 8.

She tells that story to show how far it has sometimes gone, that schools feel that they have to be so focused on high-stakes testing and getting the No Child Left Behind met that they forget about the social needs of the child. Schools have a lot on their plate, but we definitely need to support them, and fund them, and provide services at the school level in order to identify and provide services to young people to keep them out of the system.

Ms. WEISMAN. Yes. When I was working in Maryland, nearly one-third of all the arrests in Baltimore City came from the schools. These were school-based arrests for behavior that was engaged in in the school; disruptive behavior to be sure, but not the sort of behavior that required a youth being locked up for it.

It is unwise and unwelcome to have youth who engage in disruptive behavior treated by the juvenile justice system. Indeed the juvenile justice system has become the repository for kids with behavioral and emotional health problems, and that is really wrong.

There are negative outcomes, because there are kids who do commit offenses and who do require, for public safety concerns, being locked up, and putting all youth together under the same umbrella and in the same facility means unwanted outcomes for those who should not be there.

Judge KOOPERSTEIN. Congresswoman, just briefly. Congresswoman, I agree there are unintended consequences. In our little town, though, there are police officers who are very good with the kids, and it is overkill to bring in a force and then just arrest. But if we could build on the D.A.R.E. Program, which in our town is run by police officers who have the skills—and I don't mean just the police power to put on the cuffs, I mean who care and can relate—if we build on that so that those are the officers called if there is a disruption in the school, because an officer who is well trained can diffuse a situation. That officer doesn't have to just say, you are going in, you are getting locked up. So I just ask you to think about that, too.

Judge CLARK. When I first took the bench in 1999, we had an influx of juvenile delinquency petitions being initiated by the school system, assaults on teachers, which are felonies, and some of them were two kids getting into a fight, the teacher goes to break it up, and the teacher gets knocked down, no injuries, and it got to be problematic.

One of the things that our judges did was meet with the school officials to say that we are not going to allow all of these cases to

come into court. In other words, sometimes, I guess, the judges have to take control of their own court system and provide some reasonable alternatives for what can be done for some of these children.

Disruptive behavior is very different than criminal behavior, and status offenses are offenses that should not warrant incarceration or removal from home, but providing services to work or to try to identify why children are engaging in these behaviors; in other words, making some assessment early on, and an appropriate assessment.

At some time the court has to, I think, take control of the situation and be in control of its own court, because they can file a petition, but the court has to intervene and take some action as well.

Chairwoman MCCARTHY. Thank you, Ms. Clarke.

As you heard the bells, we are voting, so I am going to submit my closing statements for the record.

What I want to say to each and every one of you, again, I thank you for your service on what you are doing back in the community, but I also thank you for coming here in front of us and giving us information.

I have been here in Congress long enough, and we are going to work really hard on the reauthorization, but I also know we won't have every solution, but it will be a start. And with your testimony it gives us a lot food for thought for what needs to be done.

The ray of hope that I also see is we are reauthorizing Leave No Child Behind, so there are going to be a lot of different programs in that particular reauthorization that hopefully will work with our young people from pre-K and through junior high.

The D.A.R.E. Program and many other programs, why in God's name they forget middle schools I have no idea. I mean, that is when almost all students, especially our young women today, too, need that extra help. So hopefully we can do something about that. The most encouraging thing is through this committee we were able to pass a mental health parity program, which I think has long been in need not just for children, but for adults also.

The world has become more aggressive. We see our young children, I see my grandchildren, are certainly more aggressive than some of us were brought up, and those situations that schools are having a hard time dealing with. We have teachers that are supposed to be teaching, not being social workers, not being police officers in the room.

So as I said, we are not going to be able to have all the solutions, but with your testimony and your information, hopefully we are going to make it a better bill and have hopefully the end goal protect our children of this Nation and make them good citizens, and that certainly is the goal of this whole committee.

As previous ordered, Members will have 14 days to submit additional materials for the hearing record. Any Member who wishes to submit follow-up questions in writing to the witnesses should coordinate with the Majority staff within the requested time.

[The information follows:]

Prepared Statement of Hon. Todd Russell Platts, Ranking Minority Member, Subcommittee on Healthy Families and Communities

Good morning. Thank you for joining us for another hearing on the Juvenile Justice Prevention and Delinquency Act. Chairwoman McCarthy, I am pleased that we are continuing our focus on improving the juvenile justice system.

We know that investing in prevention methods now, saves substantial resources in the future. I am pleased to see a diverse panel of witnesses that can provide first hand knowledge of the juvenile justice system, describe how the federal law is administered at the state-level, and provide insight as to which programs are working efficiently, and which, if any, need improvement. I also look forward to hearing testimony regarding the link between juvenile delinquency and mental illness.

As I have mentioned during previous hearings, I believe that one of the most important things that we can do as legislators is to craft legislation that prevents juvenile delinquency and encourages healthy child development. Although I recognize the aggressive fall agenda that the majority is planning, it is my hope that this subcommittee will produce a bi-partisan reauthorization bill before JJDPA's expiration this year. In addition, I encourage the inclusion of authorization of funding for quality home visitation programs such as the Nurse Family Partnership and Parents as Teachers in the reauthorization. Research shows that families that participate in home visitation services rely less on public assistance, have fewer problems with substance use, and have substantially less involvement with the criminal justice system.

Finally, I would like to thank all of the panelists for being with us today. With that, I yield back to Chairwoman McCarthy.

[Questions for the record submitted by Mr. Grijalva follow:]

[VIA FACSIMILE],
September 26, 2007.

Hon. DEBORAH KOOPERSTEIN, *Administrative Judge,*
40 A Newtown Lane, East Hampton, NY.

DEAR JUDGE KOOPERSTEIN: Thank you for testifying at the September 18, 2007 hearing of the Subcommittee on Healthy Families.

Representative Raul Grijalva (D-AZ), a member of the Subcommittee, has asked that you respond in writing to the following question:

What role, if any, does the judiciary play in your state with regard to the review or approval of release plans of youth offenders?

Please send an electronic version of your written response to the questions to the Committee staff by COB on Tuesday, October 2, 2007—the date on which the hearing record will close.

If you have any questions, please contact Committee staff at 202-225-3725.

Sincerely,

GEORGE MILLER, *Chairman,*
Committee on Education and Labor.

CAROLYN MCCARTHY, *Chairwoman,*
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September 26, 2007.

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Family Law Center, Ross Street, Pittsburgh, PA.

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September 26, 2007.

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DEAR MS. AMBROSE: Thank you for testifying at the September 18, 2007 hearing of the Subcommittee on Healthy Families.

Representative Raul Grijalva (D-AZ), a member of the Committee, has asked that you respond in writing to the following question:

I am developing legislation to authorize a reentry formula grant program to states to support pre-release planning and reentry services targeted to youth offenders. Would such funds be helpful to your state?

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Governor's Office for Youth and Families, West Washington, Phoenix, AZ.

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Representative John Yarmuth (D-KY), a member of the Subcommittee, has asked that you respond in writing to the following questions:

1. In your written testimony you discuss the fact that it is clear that children of color are over-represented in the child welfare system and the JJ system. You continue on to discuss the deep end of the JJ system. Can you elaborate on what you mean by deep end in the JJ system and discus the correlation?

2. Can you go into detail on some of the barriers experienced by AZ as it attempts to integrate the child welfare and JJ systems, and what role, if any, the Federal government can play in helping states break down these barriers?

3. In your written testimony you presented statistics from the Arizona Dual Jurisdiction study which you believe has shown that children who suffer from dependency issues are more likely to have negative juvenile justice outcomes than non-dependent youth.

- Do you believe enough is currently being done to treat dependency issues among the juvenile population either in detention or in probation?
- What more could be done at the federal level to deal with dependency issues in the juvenile justice system?

4. In your written testimony, you mention the need for interagency collaboration between the child welfare and juvenile justice communities.

- Are there any privacy issues involved in these kinds of collaborations?
- Under what circumstances should juvenile justice practitioners have access to child welfare case-files that include medical histories?

5. How can the Federal government help to address the decentralized systems that engage multiple entities in the care of children with diverse goals and procedures, if possible?

6. In your written testimony, you list 7 items that lead to improved outcomes for children in both the child welfare and JJ systems. I'd be interested in learning if you feel that the Committee should explore including such activities in JJDPA, and if so which ones and how might we do so?

7. Can you go into detail on some of the barriers experienced by AZ as it attempts to integrate the child welfare and JJ systems, and what role, if any, the Federal government can play in helping states break down these barriers?

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CAROLYN MCCARTHY, *Chairwoman,*
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Chairwoman MCCARTHY. Without objection, this hearing is adjourned.

[The closing remarks of Mrs. McCarthy follow:]

The Closing Remarks of Chairwoman McCarthy

I want to thank each of you today for taking the time to explain the barriers, challenges, and successes in your work in the multiple issues that we sought to understand today. Our previous hearing, which was an overview of JJDPA and how it works, clearly showed that there are direction connections between the juvenile justice system, mental health, and child welfare, the importance of evidence-based preventions and interventions, and the necessity of working with the States and the Judges within them to break down barriers between systems and work to craft guidance for a continuum of care for the young people of our nation. Your testimony today will guide us on the path of reauthorization to address these issues. I am not sure that in one reauthorization we can break down all the barriers, but I hope that we can lay the groundwork to motivate States to go beyond what they find in the reauthorization and to work for what is truly best for our nation's children.

Thank you again for being here today.

[Whereupon, at 11:21 a.m., the subcommittee was adjourned.]

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