

**PROVIDING VULNERABLE YOUTH THE HOPE  
OF A BRIGHTER FUTURE THROUGH JUVENILE  
JUSTICE REFORM**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON EARLY CHILDHOOD,  
ELEMENTARY, AND SECONDARY EDUCATION

COMMITTEE ON EDUCATION  
AND THE WORKFORCE

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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## **PROVIDING VULNERABLE YOUTH THE HOPE OF A BRIGHTER FUTURE THROUGH JUVENILE JUSTICE REFORM**

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**Wednesday, February 15, 2017**

**House of Representatives**

**Committee on Education and the Workforce,**

**Subcommittee on Early Childhood, Elementary, and**

**Secondary Education**

**Washington, D.C.**

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The subcommittee met, pursuant to call, at 10:00 a.m., in Room 2175, Rayburn House Office Building, Hon. Todd Rokita [chairman of the subcommittee] presiding.

Present: Representatives Rokita, Roe, Messer, Brat, Garrett, Polis, Fudge, and Bonamici.

Also Present: Representatives Foxx, and Scott.

Staff Present: Courtney Butcher, Director of Members Services and Coalitions; Tyler Hernandez, Deputy Communications Director; Amy Raaf Jones, Director of Education and Human Resources Policy; Nancy Locke, Chief Clerk; Dominique McKay, Deputy Press Secretary; James Mullen, Director of Information Technology; Brian Newell, Communications Director; Krisann Pearce, General Counsel; James Redstone, Professional Staff Member; Mandy Schaumburg, Education Deputy Director and Senior Counsel; Alissa Strawcutter, Deputy Clerk; Leslie Tatum, Professional Staff Member; Sheariah Yousefi, Legislative Assistant; Tylease Alli, Minority Clerk/Intern and Fellow Coordinator; Jacque Chevalier, Minority Deputy Education Policy Director; Denise Forte, Minority Staff Director; Mishawn Freeman, Minority Staff Assistant; and Christian Haines, Minority Education Policy Counsel.

Chairman ROKITA. Thank you for reminding me that I am not loud, you are the first one in a long time that has said that to me.

A quorum being present, the Subcommittee on Early Childhood, Elementary, and Secondary Education will come to order. Good morning, and welcome to today's hearing.

Like much of the work we do as members of the Education and the Workforce Committee, we are here to discuss an effort that is all about opportunity and putting individuals on a path that will actually help them earn success in life. In this case, that effort is reforming the juvenile justice system.

Of course, juvenile justice reform is not just a concern for those of us here today. It is something that has long been a national priority.

Through their juvenile justice systems, State and local leaders are working to promote communities that are safe. Communities that help children learn and grow into productive members of society. Communities that provide opportunities for all of our children, regardless of their background or past mistakes, to pursue their dreams and achieve their goals.

For decades, the Juvenile Justice and Delinquency Prevention Act has coordinated Federal resources to help improve those State juvenile justice systems.

The law primarily focuses on education and rehabilitation to support efforts keeping at-risk youth out of the system, as well as efforts providing juvenile offenders already in the system the second chance they need to move forward with their lives in more positive ways.

Today, more than 1 million young men and women across the country are involved in the juvenile justice system. That includes children as young as 10, all the way to the cusp of adulthood, a wide swath.

One million. That is a noteworthy number on its own, but it does not even include the countless others who are at risk of becoming involved in the system because of circumstances such as poverty, homelessness, or other difficulties at home.

That statistic provides an idea of the size and scope of the system, but it is even more important to understand what being a part of the juvenile justice system actually means for each of those 2 million kids.

In many cases, it means being at a disadvantage, not fully understanding what the potential of a future holds, and not even realizing that opportunities exist to turn things around.

In fact, youth who have been incarcerated are 26 percent less likely to graduate from high school than their peers, and 26 percent more likely to engage in other unlawful activity and return to the system as adults.

We, as a society, have to help children avoid becoming one of those statistics, and we can accomplish that by helping some stay out of the system altogether and by helping others come out of the system with the opportunities and the motivation they need to chart a better course for themselves.

Given the social and economic challenges facing our country, that is no small feat. However, through a collaborative effort among parents, teachers, and local community members, it can be done.

That is why we are here today, to discuss our role in that collaborative effort and to begin considering what steps Congress can take to help State and local leaders better serve vulnerable youth.

Last year, we advanced a number of bipartisan reforms that I am particularly proud of, to provide State and local leaders the flexibility they need to meet the needs of youth in their cities and towns, focus on proven strategies, and improve accountability and oversight, both to help kids succeed and protect taxpayers, which is also important.

Ultimately, these reforms would set kids up for long-term success, helping them gain the skills they need to become productive adults and promoting opportunities for them to achieve success. I am certain those common-sense reforms will help guide the work ahead as we renew our effort to improve the juvenile justice system.

As a father, I want my children to have every opportunity they need to succeed in life, and I work very hard to ensure they do. I also work hard to ensure they understand it is their responsibility to seize those opportunities. Unfortunately, not all children are in the same position, and those are the kids we are here to help today. I look forward to continuing our work to provide them with the hope for a brighter future.

With that, I would like to recognize my friend, the ranking member, Congressman Polis, for his opening statement.

[The statement of Mr. Rokita follows:]

**Prepared Statement of Hon. Todd Rokita, Chairman, Subcommittee on Early Childhood, Elementary, and Secondary Education**

Good morning and welcome to today's hearing. Like much of the work we do as members of the Education and the Workforce Committee, we're here to discuss an effort that is all about opportunity and putting individuals on a path that will help them earn success in life. In this case, that effort is reforming the juvenile justice system.

Of course, juvenile justice reform isn't just a concern for those of us here today. It's something that has long been a national priority. Through their juvenile justice systems, state and local leaders are working to promote communities that are safe. Communities that help children learn and grow into productive members of society. Communities that provide opportunities for all children—regardless of their background or past mistakes—to pursue their dreams and achieve their goals.

For decades, the Juvenile Justice and Delinquency Prevention Act has coordinated federal resources to help improve those state juvenile justice systems. The law primarily focuses on education and rehabilitation to support efforts keeping at-risk youth out of the system, as well as efforts providing juvenile offenders already in the system the second chance they need to move forward with their lives in positive ways.

Today, more than one million young men and women across the country are involved in the juvenile justice system. That includes children as young as ten all the way to those on the cusp of adulthood. That's a noteworthy number on its own, but it doesn't even include the countless others who are at risk of becoming involved in the system because of circumstances such as poverty, homelessness, or difficulties at home.

That statistic provides an idea of the size and scope of the juvenile justice system, but it's even more important to understand what being a part of the juvenile justice system actually means for each of those two million kids. In many cases, it means being at a disadvantage, not fully understanding what potential the future holds, and not realizing that opportunities exist to turn things around.

In fact, youth who have been incarcerated are 26 percent less likely to graduate from high school than their peers and 26 percent more likely to engage in other unlawful activity and return to jail as adults.

We, as a society, have to help children avoid becoming one of those statistics, and we can accomplish that by helping some stay out of the system all together and by helping others come out of the system with the opportunities and the motivation they need to chart a better course for themselves. Given the social and economic challenges facing our country, that's no small feat. However—through a collaborative effort among parents, teachers, and local community members—it can be done.

That's why we are here today—to discuss our role in that collaborative effort and to begin considering what steps Congress can take to help state and local leaders better serve vulnerable youth in their communities.

Last year, we advanced a number of bipartisan reforms to provide state and local leaders the flexibility they need to meet the needs of youth in their cities and towns, focus on proven strategies, and improve accountability and oversight both to help

kids succeed and protect taxpayers. Ultimately, these reforms would set kids up for long-term success, helping them gain the skills they need to become productive adults and promoting opportunities for them to achieve success throughout their lives. I'm certain those commonsense reforms will help guide the work ahead as we renew our effort to improve the juvenile justice system.

As a father, I want my children to have every opportunity they need to succeed in life, and I work very hard to ensure they do. I also work hard to ensure they understand it's their responsibility to seize those opportunities. Unfortunately, not all children are in the same position, and those are the kids we are here for today. I look forward to continuing our work to provide them the hope of a brighter future.

With that, I will now recognize the ranking member, Congressman Polis, for his opening remarks.

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Mr. POLIS. Thank you, Chairman Rokita, for organizing this bipartisan hearing today. I want to thank our terrific witnesses. I am especially honored to have Ms. Williams from Colorado to talk about my home State's efforts to engage in meaningful prevention and intervention services.

While Congress is often portrayed as hyperpartisan, where many issues divide along party lines, juvenile justice is among the many issues where both parties have traditionally been able to work together and develop policies with broad stakeholder support.

Just last Congress, our committee reported out a bill to reauthorize the Juvenile Justice and Delinquency Prevention Act, or JJDP, and that bill went on to pass the whole House 382 to 29. That was the first time in the last 15 years either chamber of Congress got a bill to authorize the Juvenile Justice and Delinquency Prevention Act on the floor.

Unfortunately, it was not able to make it across the finish line in the Senate. This session I hope we can come together again, get a vehicle to authorize the Juvenile Justice and Delinquency Prevention Act out of the committee, out of the House, out of the Senate, to the President's desk for signature, to make a difference for children.

It has been over 100 years since we established a juvenile court system in our country. The juvenile system was designed based on the idea that children were not merely smaller versions of adults, and our response to their misconduct should be aimed at intervention and rehabilitation as opposed to a more typical criminal justice response.

Over the 20th century, State juvenile justice systems evolved separately and in different ways without significant Federal oversight. In time, many actually came to resemble adult systems with little focus on children or rehabilitation.

In response, Congress passed the Juvenile Justice and Delinquency Prevention Act in 1974. It created important guardrails that protect children in the juvenile justice system.

The Juvenile Justice and Delinquency Prevention Act has three main components. First, to establish core requirements that States must adhere to regarding the treatment of children in the juvenile justice system. It authorized formula and competitive grants to help States run their juvenile justice systems in line with the requirements and provide delinquency prevention programs. Finally, it created a Federal office, the Office of Juvenile Justice and Delinquency Prevention, to oversee juvenile justice programs.



Since its adoption in 1974, the Juvenile Justice and Delinquency Prevention Act has truly helped improve treatment for juveniles in the justice system, and helped reduce disparities in treatments across the States.

A reauthorization of the Juvenile Justice and Delinquency Prevention Act would create an opportunity to codify best practices that have been engaged in by various States over the last 15 years, including important elements of the bill, like using evidence-based practices, unique needs of girls in the juvenile justice system, implementation of trauma-informed care, cost-effective alternatives to incarceration that don't harm public safety, and efforts to end the school-to-prison pipeline by allowing school discipline policies with the juvenile justice system.

In my own State of Colorado, we have made progress by reforming the procedures that prosecutors use to charge juveniles in court, and just this year, we were able to authorize retroactive elimination of juvenile life without parole for many young offenders.

While I think there are some things to celebrate, there are also serious issues we need to address in both the juvenile justice system and discipline procedures used within our public education system.

One of those is the continued use of corporal punishment, seclusion, and restraints in both our education and juvenile justice systems. There is no logical reason that in 2017 children can go to school in this country and still be subject to physical punishments, but in 19 States, that is still the case. Research shows us that corporal punishment is used disproportionately against minority students and students with disabilities.

Former Education Secretary John King, in November 2016, sent a letter to State governors and chief school officers calling for the elimination of corporal punishment, suggesting that in some States the punishment could legally be classified as assault or battery.

At this time, I would like to introduce the letter from Secretary King into the record.

Chairman ROKITA. Without objection.

Mr. POLIS. Again, this Congress, my good friend, Alcee Hastings of Florida, introduced bipartisan legislation to outlaw corporal punishment in U.S. schools. Just like the core protections of the Juvenile Justice and Delinquency Prevention Act, we need to enact a Federal protection for students in schools and in juvenile facilities from physical abuse.

In closing, I look forward to hearing from our witnesses and determining how we can support our work here in Congress to get to the point where we can reauthorize the Juvenile Justice and Delinquency Prevention Act and get it across the finish line.

Thank you, Mr. Chairman, and I yield back.

[The statement Mr. Polis follows:]

**Prepared Statement of Hon. Jared Polis, Ranking Member, Subcommittee on Early Childhood, Elementary, and Secondary Education**

Thank you Chairman Rokita, for organizing this hearing this morning, and I'd like to thank the witnesses for agreeing to testify today. I'm especially honored to have Ms. Williams on the panel to speak about the work being done in our home

state of Colorado to provide meaningful prevention and intervention services to Colorado's juveniles.

While Congress is often seen as a hyper-partisan setting where many issues are divided along party lines, juvenile justice is an issue where both parties have traditionally worked together and developed policies with broad support. Just last Congress, our Committee reported out a bill to reauthorize the Juvenile Justice and Delinquency Prevention Act or JJDP, and that bill went on to pass the whole House by a vote of 382-29. That was the first time in the last 15 years that either chamber of Congress got a bill to reauthorize JJDP passed on their floor. In the spirit with which we came together to accomplish that last year, I hope that we can come together again this year and get a vehicle to reauthorize JJDP out of our committee, passed out of both chambers, and onto the President's desk for signature.

It has been over 100 years since we established a juvenile court system in America. The juvenile system was designed based on the idea that children were not merely small adults, and our response to their misconduct should be aimed at intervention and rehabilitation as opposed to a criminal justice response. Over the 20th century, state juvenile justice systems evolved separately and without federal oversight. In time, many came to resemble adult systems, with little focus on children and their rehabilitation.

In response, Congress passed the Juvenile Justice Delinquency and Prevention Act in 1974. It creates the federal guardrails that protect our children in the juvenile justice systems in each state. JJDP has 3 main components. The act first established core requirements and other mandates states must adhere to regarding the treatment of children in the juvenile justice system. It authorized formula and competitive grants to help states run their juvenile justice systems in line with the federal requirements and provide delinquency prevention programs. Finally, it created the Federal Office of Juvenile Justice Delinquency Prevention (OJJDP) to oversee juvenile justice programs.

Since its adoption in 1974, JJDP has improved treatment overall for juveniles in the justice system and helped reduce disparities in treatment across states. A reauthorization of JJDP creates an opportunity to codify best practices that have emerged in various states over the past 15 years including, the use of evidence-based practices, the unique needs of girls in the juvenile justice system, the implementation of trauma-informed care, cost-effective alternatives to incarceration that do not harm public safety, and efforts to end the "School to Prison" pipeline by aligning school discipline policies and juvenile justice systems.

In my home state of Colorado we have made progress by reforming the procedures prosecutors use to charge juveniles in adult court. And just this year we were able to authorize retroactive elimination of juvenile life without parole for many young offenders.

And while I think that there are many things to celebrate, there are still some serious issues that we need to address in both the juvenile justice system and discipline procedures in our education system. One of those is the continued use of corporal punishment, seclusion and restraints in both our educational and juvenile justice systems.

There is no logical reason that in 2017, children can go to school in this country and be subject to physical punishments. But in 19 states that is still the case. Research shows us that corporal punishment is used disproportionately against minority students and students with disabilities. Former Education Secretary John King, in a November 2016 letter to state governors and chief school officers, called for the elimination of the practice, suggesting that in some states, the punishment could be legally classified as assault or battery.

[Committee staff have a copy of the letter to introduce into the record.]



THE SECRETARY OF EDUCATION  
WASHINGTON, DC 20202

November 22, 2016

Dear Governors and Chief State School Officers:

As Governors and Chief State School Officers, you know that public schools are crucial places for nurturing the unique gifts of all children and developing the knowledge and skills they need to grow and thrive in our democracy, and I appreciate the work you are doing — from early learning to postsecondary education — to support our schools in this mission. To fulfill this mission of promoting the positive development of our youth, a school must first ensure that no harm occurs to the children and young people entrusted into its care. It is for this reason that I write to you, to call your attention to a practice in some schools — the use of corporal punishment<sup>1</sup> — which is harmful, ineffective, and often disproportionately applied to students of color and students with disabilities, and which states have the power to change.

If you have not already, I urge you to eliminate this practice from your schools, and instead promote supportive, effective disciplinary measures.<sup>2</sup> Many of you, and your districts and educators, are leading the way in terms of rethinking how to create positive school climates and improve discipline practices in your schools, and eliminating corporal punishment is a critical piece of that work.<sup>3</sup> The use of corporal punishment can hinder the creation of a positive school climate by focusing on punitive measures to address student misbehavior rather than positive behavioral interventions and supports. Corporal punishment also teaches students that physical force is an acceptable means of solving problems, undermining efforts to promote nonviolent techniques for conflict resolution.

In-school corporal punishment generally entails school personnel intentionally inflicting pain on a child as a punishment or in an attempt to change the child's behavior.<sup>4</sup> As the accompanying map shows,<sup>5</sup> today, 22 states<sup>6</sup> allow the use of corporal punishment in their schools as a means to punish students or to otherwise influence student behavior.<sup>7</sup> Notably, the very acts of corporal punishment that are permissible when applied to children in schools under some state laws would be prohibited as criminal assault or battery when applied to adults in the community in those very same states.

States should also be aware that in-school corporal punishment is often not applied equally to all students. Rather, the use of in-school corporal punishment tends to be associated with characteristics such as a child's race, national origin, sex, and/or disability status. Significantly, such disparities can raise concerns of unlawful race, national origin, sex, or disability discrimination under federal law, although statistics alone would not end an inquiry. According to the Department's Civil Rights Data Collection (CRDC), over 110,000 students were subject to corporal punishment in school during the 2013-2014 academic year.<sup>8</sup> Yet in-school corporal punishment and its related harm disproportionately impact students of color. Based on the 2013-2014 CRDC, approximately 40,000 — or more than one-third — of those students who were subjected to corporal punishment are black; black students, by comparison, make up only 16 percent of the total public school student population.<sup>9</sup> Similarly, in states where students were subjected to corporal punishment, black boys were 1.8 times as likely as white boys to be subject

to corporal punishment, and black girls were 2.9 times as likely as white girls to be subject to corporal punishment.<sup>10</sup> Disparities in the use of in-school corporal punishment are not limited to race; boys and students with disabilities experience higher rates of corporal punishment. Based on the 2013-2014 CRDC, boys represented about 80 percent of all students experiencing corporal punishment.<sup>11</sup> Similarly, in nearly all of the states where the practice is permitted, students with disabilities were subjected to corporal punishment at higher rates than students without disabilities.<sup>12</sup> These data and disparities shock the conscience.

The use of corporal punishment is also ineffective as a strategy to address inappropriate behavior. When used in an attempt to compel behavioral change, corporal punishment often has antithetical results; for example, physical punishment may make a child more aggressive, defiant, and oppositional.<sup>13</sup> Moreover, it can be detrimental to a child's health and well-being and may have lifelong repercussions. Research shows, for example, that children who experience physical punishment are more likely to develop mental health issues, including alcohol and drug abuse or dependence, mood disorders, anxiety disorders, and other personality disorders.<sup>14</sup> The excessive use of corporal punishment has been shown to be associated with antisocial behavior in children and later when they reach adulthood.<sup>15</sup>

Beyond its alarming health implications, corporal punishment in school is also associated with negative academic outcomes. Research shows, for example, that corporal punishment can impact children's cognitive functioning,<sup>16</sup> potentially affecting verbal capacity,<sup>17</sup> brain development,<sup>18</sup> and the ability to solve problems effectively.<sup>19</sup> Studies also indicate that students as young as those in preschool who experience corporal punishment tend to perform at lower levels, when compared to peers who have not been subjected to such practices, on measures of both academic achievement and social competence.<sup>20</sup>

While some may argue that corporal punishment is a tradition in some school communities, past practice alone cannot be a sufficient rationalization for continuing to engage in actions that have been proven to have short- and long-term detrimental effects. Indeed, there are many practices which were previously legal in the United States but which we would not tolerate today. There is a growing consensus that we simply cannot condone state-sanctioned violence against children in school.

A long list of education, medical, civil rights, disabilities, and child advocacy groups, including the National Education Association, American Federation of Teachers, American Psychological Association, American Academy of Pediatrics, and many others, have also been calling for a ban on this practice and citing the harmful long-term effects on children and the need to keep physical violence out of the educational environment.<sup>21</sup> Corporal punishment has also been banned in Head Start Programs,<sup>22</sup> Department of Defense-run schools,<sup>23</sup> U.S. prisons and U.S. military training facilities,<sup>24</sup> and most juvenile detention facilities.<sup>25</sup> As the evidence against corporal punishment mounts, so does our moral responsibility to eliminate this practice.

A safe, supportive school environment is critical to support effective teaching and learning. I applaud the many states, districts, and educators that are leading the way in fostering positive school climates and improving discipline practices through proven strategies, such as the successful implementation of positive behavioral interventions and supports,<sup>26</sup> as well as better

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training and professional development for educators, to equip them to administer supportive school discipline approaches in nondiscriminatory and effective ways.<sup>27</sup> Still others are exploring promising avenues, such as the greater involvement of mental health specialists and the use of restorative justice practices.<sup>28</sup>

I am glad to recognize and support these states and districts through our “Rethink Discipline” initiative.<sup>29</sup> But there is more that we can do to support the use of school discipline practices that foster safe, supportive, and productive learning environments. One critical step would be to cease the use of corporal punishment in all of our public schools. It is difficult for a school to be considered safe or supportive if its students are fearful of being physically punished by the adults who are charged with supporting their learning and their future.

School-sponsored corporal punishment is not only ineffective, it is a harmful practice, and one that disproportionately impacts students of color and students with disabilities. This practice has no place in the public schools of a modern nation that plays such an essential role in the advancement and protection of civil and human rights. Thank you for your leadership in reconsidering the use of this practice and working toward ensuring that schools are safe and supportive places where all students can thrive.

Sincerely,

/s/

John B. King, Jr.

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<sup>1</sup> The American Academy of Child & Adolescent Psychiatry describes “corporal punishment” as “a discipline method in which a supervising adult deliberately inflicts pain upon a child in response to a child’s unacceptable behavior and/or inappropriate language.” American Academy of Child & Adolescent Psychiatry, position statement on corporal punishment in schools (updated September 2014), available at [https://www.aacap.org/aacap/policy\\_statements/1988/Corporal\\_Punishment\\_in\\_Schools.aspx](https://www.aacap.org/aacap/policy_statements/1988/Corporal_Punishment_in_Schools.aspx).

<sup>2</sup> See, for example, “Supporting and Responding to Behavior: Evidence-Based Classroom Strategies for Teachers,” available at <https://www.osepideasthatwork.org/evidencebasedclassroomstrategies/>. In addition, materials are available on the Department’s website, including guidance, technical assistance information, and other resources, that can assist schools and educators seeking to replace corporal punishment with other, more effective discipline practices in schools. Links to those materials can be found at: <http://www2.ed.gov/policy/gen/guid/school-discipline/support.html#tools>.

<sup>3</sup> Twenty-eight states and the District of Columbia have banned corporal punishment. For more information on the individual state laws governing the use of corporal punishment in schools, please visit <http://www.edweek.org/ew/section/multimedia/states-ban-corporal-punishment.html>. Statewide bans on corporal punishment were most recently enacted in *Ohio in 2009* and *New Mexico in 2011*; additionally, many large urban school districts, like Atlanta, Houston, and Memphis, have banned corporal punishment even though the practice is still allowed in these districts’ states. See Anderson, Melinda D., “Where Teachers Are Still Allowed to Spank Students,” *The Atlantic* (December 15, 2015) at <http://www.theatlantic.com/education/archive/2015/12/corporal-punishment/420420/>.

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<sup>4</sup> National Association of School Psychologists, Position Statement on Corporal Punishment (2014), available at <http://www.nasponline.org/assets/documents/Research%20and%20Policy/Position%20Statements/CorporalPunishment.pdf> (defining “corporal punishment” as “the intentional infliction of pain or discomfort and/or the use of physical force upon a student with the intention of causing the student to experience bodily pain so as to correct or punish the student’s behavior.”).

<sup>5</sup> <http://www2.ed.gov/policy/gen/guid/school-discipline/images/2013-14-crdc-corporal-punishment-map-1200.png>

<sup>6</sup> There are 22 states that either expressly permit in-school corporal punishment or where no state law prohibits it (as of March 2016). The 15 states that expressly permit corporal punishment are Alabama, Arizona, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming. The seven states where no state law prohibits corporal punishment are Colorado, Idaho, Indiana, Kansas, Maine, New Hampshire, and South Dakota. The Department’s *Compendium of School Discipline Laws and Regulations* provides access to an online catalogue of the laws and regulations related to school discipline in each of the 50 states, the District of Columbia, and Puerto Rico and compares laws across states and jurisdictions. The tool is available at <https://safesupportivelearning.ed.gov/school-discipline-compendium>.

<sup>7</sup> Gershoff, E.T., Kelly M. Purtell, and Igor Holas, “Corporal Punishment in U.S. Public Schools: Legal Precedents, Current Practices, and Future Policy,” *SpringerBriefs in Psychology* (2015).

<sup>8</sup> U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection (CRDC), 2013-14, available at [ocrdata.ed.gov](http://ocrdata.ed.gov).

<sup>9</sup> U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), “State Nonfiscal Public Elementary/Secondary Education Survey,” 2013-14 v.1a.

<sup>10</sup> U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection (CRDC), 2013-14, available at [ocrdata.ed.gov](http://ocrdata.ed.gov).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Gershoff, et al., (2015) note that “Although a substantial literature has shown that corporal punishment by parents is linked with increased behavior problems, increased mental health problems, and decreased school performance, corporal punishment by school personnel has been almost entirely unstudied.” This letter concerns only in-school use of corporal punishment. For examples of the substantial literature on corporal punishment by parents, see Human Rights Watch, et al. (2009); Gershoff, E.T., “Spanking and Child Development: We Know Enough Now to Stop Hitting Our Children,” *Child Dev Perspect* (2013), 7: 133–137; Sheehan, M.J. & Watson, M.W., “Reciprocal influences between maternal discipline techniques and aggression in children and adolescents,” *Aggressive Behavior* (2008), 34, 245–255.

<sup>14</sup> Afifi, T.O., et al., “Physical Punishment and Mental Disorders: Results from a Nationally Representative U.S. Sample,” *Pediatrics*, Volume 130, Number 2 (August 2012), available at <http://pediatrics.aappublications.org/content/early/2012/06/27/peds.2011-2947>.

<sup>15</sup> Gershoff, E.T. (2002). “Corporal Punishment by Parents and Associated Child Behaviors and Experiences: A Meta-Analytic and Theoretical Review.” *Psychological Bulletin*, Vol. 128, No. 4, 539–579.

<sup>16</sup> Straus, M.A., and Mallie J. Paschall. “Corporal punishment by mothers and development of children’s cognitive ability: a longitudinal study of two nationally representative age cohorts.” *Journal of Aggression, Maltreatment & Trauma* (2009); 18: 459-483.

<sup>17</sup> MacKenzie, M.J., Eric Nicklas, Jane Waldfogel, and Jeanne Brooks-Gunn. “Corporal punishment and child behavioral and cognitive outcomes through 5 years-of-age: Evidence from a contemporary urban birth cohort study.” *Infant Child Dev.* (2012 January/February); 21(1): 3–33.

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<sup>18</sup> Tomoda, A., Hanako Suzuki, Keren Rabi, Yi-Shin Sheu, Ann Polcari, and Martin H. Teicher, "Reduced Prefrontal Cortical Gray Matter Volume in Young Adults Exposed to Harsh Corporal Punishment," *Neuroimage* (2009 Aug.), 47 (Suppl 2): T66–T71.

<sup>19</sup> Talwar V., Carlson S.M. and Lee K. (2011), "Effects of a Punitive Environment on Children's Executive Functioning: A Natural Experiment," *Social Development*, 26 July 2011; *see also* Hyman, I.A., "Corporal punishment, psychological maltreatment, violence, and punitiveness in America: Research, advocacy, and public policy," *Applied and Preventive Psychology* (1995), 4, 113–130.

<sup>20</sup> Hyman 1995; *see also* Dupper, David R., and Amy E. Montgomery Dingus, "Corporal punishment in US public schools: A continuing challenge for school social workers," *Children & Schools* 30(4) (2008): 243-250, available at [http://cwastateschools.pbworks.com/f/Corporal\\_punishment\\_2009.pdf](http://cwastateschools.pbworks.com/f/Corporal_punishment_2009.pdf).

<sup>21</sup> Groups that have publicly taken positions against the use of corporal punishment in school include but are not limited to: American Psychological Association, American Academy of Pediatrics, National Education Association, American Federation of Teachers, National Association of Secondary School Principals, National Association of Elementary School Principals, American Civil Liberties Union, National Parent Teacher Association, Dignity in Schools, Human Rights Watch, NAACP, National Disability Rights Network, National Council of La Raza, Council for Exceptional Children, Bazelon Center for Mental Health Law, American Academy of Child & Adolescent Psychiatry, American Academy of Family Physicians, American Academy of Pediatrics, American School Counselor Association, Center for Effective Discipline, National Association for the Education of Young Children, National Association of School Nurses, National Association of School Psychologists, National Association of State Boards of Education, and Society for Adolescent Medicine.

<sup>22</sup> Head Start Program Performance Standards, 45 CFR Chapter XIII, RIN 0970-AC63 (§1302.90), <https://eclkc.ohs.acf.hhs.gov/hslc/hs/docs/hspss-final.pdf>.

<sup>23</sup> Department of Defense Education Activity, Regulation Number 2051.1 (March 23, 2012), available at [http://www.dodea.edu/Offices/Regulations/upload/DoDEA-Regulation-2051\\_1a.pdf](http://www.dodea.edu/Offices/Regulations/upload/DoDEA-Regulation-2051_1a.pdf); Center for Effective Discipline, "Organizations Against Corporal Punishment," <http://www.gundersenhealth.org/ncptc/center-for-effective-discipline/resources/organizations-against-corporal-punishment>.

<sup>24</sup> Block, N., "Would you hit Grandma?" *Children's Legal Rights Journal* (1997), 17, 3-4; Jackson v. Bishop, 404 F.2d 571 (1968); Society for Research in Child Development: "Social Policy Report, Corporal Punishment in U.S. Public Schools: Prevalence, Disparities in Use, and Status in State and Federal Policy," volume 30, number 1 (September 2016).

<sup>25</sup> Bitensky, S.H., "Corporal punishment of children: A human rights violation," Ardsley, NY: Transnational Publishers (2006); Society for Research in Child Development: "Social Policy Report, Corporal Punishment in U.S. Public Schools: Prevalence, Disparities in Use, and Status in State and Federal Policy," volume 30, number 1, (September 2016).

<sup>26</sup> Florida's Positive Behavioral Interventions and Supports (PBIS) State Project, based on 2014-2015 school year data, is an example of the benefit of PBIS efforts in reducing incidences of corporal punishment. Non-PBIS implementation districts used corporal punishment 26 times more often than active implementation PBIS districts. For more information, please visit <http://flpbis.fmhi.usf.edu/>.

<sup>27</sup> For more information on positive behavioral interventions and supports, please visit [www.pbis.org](http://www.pbis.org).

<sup>28</sup> Fronius, T., et al., "Restorative Justice in U.S. Schools: A Research Review," (2016), available at: [http://jprc.wested.org/wp-content/uploads/2016/02/RJ\\_Literature-Review\\_20160217.pdf](http://jprc.wested.org/wp-content/uploads/2016/02/RJ_Literature-Review_20160217.pdf).

<sup>29</sup> The Department's "Rethink Discipline" page is an online tool that contains data, graphics, and other information on the prevalence, impact, and legal implications of suspensions and expulsions; resources on effective alternatives; and ways to effectively create positive school climates. For more information on this and the Department's school discipline guidance package, please visit [www.ed.gov/school-discipline](http://www.ed.gov/school-discipline).

And again this Congress, my good friend Alcee Hastings of Florida, has introduced bipartisan legislation to outlaw the practice in US schools. Just like the core protections of JJDPa, we need to enact a federal floor of protection for students in schools and in juvenile facilities.

So in closing, I look forward to hearing from our witnesses and determining how we can support their work here in Congress and get to the point where children in every juvenile justice system have strong protections and the resources they need to turn their life around. Thank you Mr. Chairman, and I yield back.

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Chairman ROKITA. Thank you, Mr. Polis. Pursuant to Committee Rule 7(c), all members will be permitted to submit written statements to be included in the permanent hearing record, and without objection, the hearing record will remain open for 14 days to allow such statements and other extraneous material referenced during the hearing to be submitted for the record.

I will now turn to the introduction of our distinguished witnesses, and I recognize Mr. Polis for the first introduction.

Mr. POLIS. Thank you. I am very honored to have Ms. Meg Williams from Colorado. She serves as the manager of the Office of Adult and Juvenile Justice Assistance within our Division of Criminal Justice at the Colorado Department of Public Safety.

Ms. Williams is responsible for the management of Federal and State programs that assist with and improve the criminal and juvenile justice systems. Ms. Williams has over 25 years of experience in social services, both in adult and juvenile justice arenas, in both Ohio and Colorado, and we are thrilled to welcome her to the committee today.

Chairman ROKITA. Thank you, Mr. Polis. Let me introduce a dear friend of mine who is a good man from a community that I am very fond of, and that is Chief Patrick J. Flannelly.

He serves as the chief of police of Lafayette, Indiana, and is the at-large director for the Indiana Association of Chiefs of Police. Previous to his role as chief of police, Chief Flannelly served on the Gang Response Investigative Team with the Lafayette Police Department.

We also have joining us today Judge Denise Navarre Cubbon, who serves as the Lucas County administrative judge in Lucas County, Ohio.

In addition to this position, Judge Cubbon also serves on a number of committees and boards, including the National Council of Juvenile and Family Court Judges' Board of Trustees, and the Supreme Court of Ohio Advisory Committee on Children, Families, and the Courts.

Previous to this, Judge Cubbon served as the Lucas County assistant prosecuting attorney where she was assigned to the Juvenile Division, Criminal Division, and Senior Protection Unit.

Finally, Mr. Matt Reed serves as the executive director of Safe Place Services for the YMCA in Louisville, Kentucky. In this position, Mr. Reed oversees the only place in the region where teens and their families can obtain immediate and free shelter and counseling to support individual circumstances that arise from being homeless, running away from home, and being in danger, such as in situations dealing with abuse or neglect. Welcome, Mr. Reed.

I will now ask our witnesses to raise your right hand.

[Witnesses sworn.]



Chairman ROKITA. Let the record reflect that all witnesses answered in the affirmative. Thank you.

Before I recognize you to provide your testimony, let me briefly explain our lighting system. I do this for us up here as much as for you. You each have 5 minutes to present your testimony.

When you begin, the light in front of you will be green. With 1 minute left, it will be yellow, and when it is red, you will be expected to have your comments wrapped up or you will have to wrap them up. At that point, members will each have 5 minutes to ask their questions.

With that, Ms. Williams, you are recognized for 5 minutes.

**TESTIMONY OF MEG WILLIAMS, MANAGER, OFFICE OF ADULT AND JUVENILE JUSTICE ASSISTANCE, DIVISION OF CRIMINAL JUSTICE, COLORADO DEPARTMENT OF PUBLIC SAFETY**

Ms. WILLIAMS. Thank you very much, Chairman Rokita and Ranking Member Polis. I am very honored to be asked to be here today, and I want to provide you information regarding juvenile justice, and to describe partnerships in place with States in addressing critical concerns.

Again, my name is Meg Williams. I am here on behalf of the Department of Public Safety in Colorado where I serve as the designated juvenile justice specialist, and just so that you know, all of you within States have someone similar to me in my position in your State. Get to know them if you want to learn more about what your State is doing.

In Colorado, not unlike other States, we continue to grapple with juvenile crime and the needs of the youth that find themselves caught in the justice system. Research has found that these juveniles come to us with profound needs due to histories of abuse or neglect, trauma, and poverty, some of the things you said this morning in your introduction. They have educational disabilities and mental health and substance abuse issues.

In Colorado, the population of youth that have penetrated to the highest level of services, which is commitment, and that is akin to adult prison, are predominately male, and an average of almost 17 years old. They have an extensive history of prior out-of-home placement, often due to prior social service involvement, and they are assessed as needing treatment level substance abuse and mental health services.

How does the Federal Government factor into our work at the State? The leadership of the Federal Government through the JJDPA—thank you so much for trying to once again pass it—provides a roadmap for States to not only serve and protect juveniles who come into contact with our justice system, but also in preventing future victimization and upholding community and public safety. All are equally important.

The act also established the Office of Juvenile Justice and Delinquency Prevention, and they serve as a partner to the States. They provide leadership through research evaluation. They set rules and regulations regarding the care and custody of juveniles, and they provide training and technical assistance, as well as necessary funding.

When States agree to participate in the act, we agree to adhere to those four core requirements that you spoke about, about the appropriate holding of juveniles, and also to address disproportionate minority contact.

We are also required to establish a State advisory group, which is comprised of government, nongovernment experts, reflected by the needs of the kids who come into our justice system, so that can include the courts, education, social services, and mental health.

Also, we have a requirement of a minimum of one-fifth youth. Let me tell you, our youth are amazing in guiding us at the State level. We are also required to develop a plan every 3 years, and through that, we develop it through looking at data. What do the kids look like? What are their needs? What is the availability of the services that we have identified that they need to address their issues and what funding is available, and how can we best use our Federal dollars to fill the gaps?

Although we have seen many improvements in our field, our work is not done. Our Nation still needs to have a concerted focus on juvenile justice, as the needs of youth appear to be more difficult to address.

We need continued laser vision on addressing juvenile justice through the lens of what truly works, grounded in what we know about adolescent brain development, and just the period of adolescence in which we know kids have a much less developed capacity to self-regulate themselves. Anyone who is a parent remembers this.

They are more easily influenced developmentally to external influences, peer pressure, and other perceived incentives, which are actually sometimes bad incentives for kids, and have less ability to make judgments and decisions that are really future-oriented. All of this contributes to them potentially engaging in risky behavior, and it leads to a higher probability of negative and harmful consequences.

We also know that economically disadvantaged minorities are disproportionately represented in our justice system. We are now more fully recognizing the prevalence of mental health, substance use and abuse, history of child abuse and neglect, and trauma to those youths.

Knowing these facts and transforming our systems in concert with these continues to be a challenge. We need your support, your assistance, and your partnership in continuing to hold our youth accountable for their behaviors, but by also then working towards reduced future victimization and increased public safety, but we need to do it in ways that recognize and respond to the needs of these youth.

We need you to understand there are other Federal agencies that should be involved in juvenile justice and delinquency prevention. It is not just a justice issue. It truly isn't. We need others from Health and Mental Services, Substance Abuse and Mental Health Services, SAMHSA, Workforce Development—these kids are going to age into becoming adults—just to name a few.

Those partnerships remain vital to our collective success as a Nation and to us as States, but, more importantly, to the youth as individuals.

Thank you very much.  
[The testimony of Ms. Williams follows:]

Meg Williams, Committee on Education and the Workforce,  
Subcommittee on Early Childhood, Elementary, and Secondary Education (2/15/17)

Thank you for allowing me to speak with you today to provide information regarding juvenile justice issues and to describe the partnerships in place with states and territories in addressing critical concerns. My name is Meg Williams and I am here on behalf of the Colorado Department of Public Safety, Division of Criminal Justice where I serve as a manager of an office that administers 7 major federal grant programs from the Office of Justice Programs for criminal and juvenile justice and where I serve as the state's designated juvenile justice specialist. I am a graduate of Kenyon College in Ohio where I earned my BA in Psychology and the University of Colorado, Denver where I earned my Masters in Public Administration. I have been in the adult criminal and juvenile justice field for over 30 years. Today I am focusing my comments on the juvenile side of the justice system.

In Colorado, as well as in states and territories across the nation, we continue to grapple with juvenile crime and the needs of the youth that find themselves caught in the justice system as a result of delinquent behavior. Research has found that juveniles in the justice system come to us with profound needs due to histories of abuse and neglect, trauma, poverty, educational disabilities, and mental health and substance use and abuse treatment needs. In Colorado, the population of youth that have penetrated to the highest level of services, commitment (akin to adult prison), are predominately male (85%), an average age of 16.8 years, have an extensive history of prior out of home placements (66%) often due to social services involvement, and are assessed as needing treatment level substance abuse (69%) and/or mental health (35%) services (51% of girls are assessed as needing mental health treatment).

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Subcommittee on Early Childhood, Elementary, and Secondary Education (2/15/17)

So how does the federal government factor into this issue? The leadership of the federal government through the Juvenile Justice and Delinquency Prevention Act (JJDP Act), originally passed in 1974 and most recently reauthorized in 2002, provides a roadmap for states to not only serve and protect juveniles who come into contact with the justice system but also assists states in preventing future victimization and in upholding community/public safety. The JJDP Act also established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to serve as a partner with us, to provide leadership through research and evaluation, setting of rules and regulations regarding care and custody of juveniles, provision of training and technical assistance and serving as a conduit for necessary funding for states (Title II Formula Grant) to address our most pressing juvenile justice needs.

When states agree to participate in the JJDP Act and thus become eligible for federal Title II funding (all states and territories except Wyoming participate in the JJDP Act), we agree to adhere to 4 core requirements within the Act:

1. Deinstitutionalization of Status Offenders (DSO);
2. Adult Jail and Lock-Up Removal (Jail Removal);
3. Sight and Sound Separation; and
4. Disproportionate Minority Contact (DMC).

We are also required to establish a State Advisory Group (SAG) comprised of government and non-governmental (majority) experts in the myriad fields related to the needs of juveniles in the justice system such as courts, education, social services, and mental health, as well as youth (1/5<sup>th</sup> of membership). The SAG and the state designated agency are also required to develop a

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juvenile justice and delinquency prevention plan every three years. This plan must include an analysis of the state's juvenile justice and delinquency prevention systems, including looking at data about who enters or is at risk of entering our juvenile justice systems, the issues with which they present, the current state and availability of services and funding to address their needs, and a plan for the use of the federal funding. The state agency is then charged with implementing that plan. Again, I serve as the designated juvenile justice specialist for Colorado, and there is a person with my same responsibilities within each state that participates in the JJDP Act.

In Colorado, through our partnership with OJJDP and through our commitment to the tenets of the JJDP Act, we have seen tremendous improvements in our compliance with the core requirements. In 1985, we had 955 instances where juveniles were held over 6 hours in adult jails or lockups, except for before or after a court hearing (jail removal). In our most recent reporting year (2015), that number was 14. This is accomplished through our relationships with local law enforcement and their communities.

In 1988, we had a high of 445 instances where youth were detained or confined in a jail or lockup in which they had contact with an adult inmate (sight and sound). Today, because of our continued work with local police and sheriff departments and their jail staff, we often have zero sight and sound violations as we work hard to develop alternative options with them and others in their communities, especially in rural and remote areas of our state.

Deinstitutionalization of Status Offenses (DSO) continues to be a highly charged component of the JJDP Act. A status offender is a juvenile charged with or adjudicated for

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conduct that would not be a crime if committed by an adult such as truancy, running away, or curfew violations. DSO prohibits the use of secure placements (such as detention) for such youth unless a valid court order process was used by the court. Colorado has been working diligently with the courts on this issue as we found in 2014 (last full year of data) 205 instances of the use of secure placements by the courts, 10 of which were without benefit of a valid court order. Our highest year was 2010 when 482 status offenders were held in secure placements, 63 of which were violations. We are currently analyzing our data for 2016 but it looks like we could have as few as 30 instances in this past year.

Disproportionate Minority Contact (DMC), sometimes also referred to as Minority Over Representation (MOR) focuses on reducing the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system. States are required to analyze DMC at each decision point within the juvenile justice system, arrest through incarceration, in order to determine the points of intervention where DMC may exist and then conditions which may contribute to that over-representation. In Colorado, we have found that it is imperative to not only look at data at a state level but also at the local level as disproportionality may surface at very different points in discrete communities. We have seen significant and positive responses from local communities when we have reached out with their data resulting in local committees being formed to further study and more importantly, to offer solutions and alternatives in an effort to reduce DMC.

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So far I have painted for you a picture showing that, at least in Colorado, we have been doing fairly well or at least making positive strides in many areas and you are likely wondering, well do you still need the JJDP Act? Do you still need support from the federal government?

I am here to say that the answer is vehemently yes. Our country still needs to have a concerted focus on juvenile justice as the needs of youth appear to be becoming more difficult to address. We need the continued laser vision on addressing juvenile justice and delinquency prevention through the lens of what truly works grounded in what we now know about adolescent brain development and the period of adolescence which tells us that adolescents have much less developed capacity to self-regulate, are more easily influenced developmentally to external influences such as peers and other perceived “incentives” (good and bad), and have less ability to make judgments and decisions that are truly future oriented all of which contribute to juveniles engaging in risky behavior that leads to a higher probability of negative and harmful consequences<sup>1</sup>. We also now know that economically disadvantaged and minority youth are disproportionately represented in the justice system. We are also now recognizing the prevalence of mental health, substance use and abuse, history of child abuse and neglect and trauma for justice involved youth; possibly through the advancement in and support for the use of validated screening and assessment tools in more recent years. But knowing these facts and and transforming our systems in concert with these findings continues to be a challenge.

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<sup>1</sup> Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie Schuck, Editors; Committee on Assessing Juvenile Justice Reform; Committee on Law and Justice; Division of Behavioral and Social Sciences and Education; National Research Council. (2012). Reforming Juvenile Justice: A Developmental Approach.



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We continue to need your support, assistance and partnership in continuing to hold youth accountable for their behaviors, in continuing to work toward reducing victimization and increasing public safety but in ways that recognize and respond to the myriad intervention needs of these young people. We also need the federal government to understand that many federal agencies can and should be involved in juvenile justice and delinquency prevention, it is not merely a justice issue as these youth come to us with complex histories and service needs that can and should also be addressed through Health and Human Services, Substance Abuse and Mental Health Services, Work Force Development/Department of Labor, and Education, just to name a few. Those partnerships remain vital to our collective success as a nation and to us as states and more importantly to the youth as individuals. Certainly funding is critical, but we need to update our national vision and plan for juvenile justice reflecting true partnerships across disciplines and current science on what works.

Chairman ROKITA. Thank you, Ms. Williams. Chief, you are recognized for 5 minutes.

**TESTIMONY OF PATRICK J. FLANNELLY, CHIEF OF POLICE,  
LAFAYETTE POLICE DEPARTMENT**

Chief FLANNELLY. Chairman Rokita, Ranking Member Polis, and all the members of the House Education and Workforce Subcommittee on Early Childhood, Elementary, and Secondary Education, I want to thank you for the opportunity to be here. It is my pleasure. I am honored to be here.

I serve as the chief of police for the Lafayette, Indiana Police Department, and also at-large director for our State Chiefs Association.

Additionally, I am a member of Fight Crime: Invest in Kids, a national organization of chiefs of police, sheriffs, prosecutors, and violence survivors. We have over 5,000 members nationwide and have at least one member represented in 97 percent of the congressional districts.

I bring this experience to speak about juvenile justice reforms my State has adopted, the positive impact those reforms have had on public safety, and how Congress can support the efforts by reauthorizing the JJDP.

Nationwide, juvenile recidivism remains a serious problem. For far too many young people, their first arrest is only the beginning of their run-ins with the law. Our studies have shown that if a youth 14 years old or younger becomes a second-time offender, their likelihood of future brushes with law enforcement spikes to 77 percent. Nationwide, 40 percent of young people who come in contact with the juvenile court will come before the court at least one more time.

This cycle damages public safety, drains law enforcement resources, and does not put at-risk youth back on the right track. More needs to be done to ensure that if a youth offends and has their first contact with the juvenile justice system, it will be their last.

Recognizing this challenge, Indiana has undergone reforms at the State level and at the county level to better address juvenile delinquency.

In 2006, Marion County joined the Juvenile Detention Alternatives Initiative, or JDAL. The strategy reprioritizes existing funding away from detention facilities and into community-based alternative programs. In 2009, my county of Tippecanoe joined the initiative. In 2013, these reforms went statewide.

Research has shown that effective community-based alternatives to detention for low to moderate risk youth can significantly reduce the likelihood that youth will get into trouble again.

These intervention programs engage family, coaching parents and youth in the skills they will need to change a young person's behavior.

This is an important part of fixing the problem, since many youths we see are following in the footsteps of family members or peers who have previously gone down the wrong road.

Two of the anti-recidivism programs at work in my State are functional family therapy and multisystemic therapy. Randomized

control trials have found that these programs can cut youth recidivism by 50 to 62 percent.

It is important to note that confinement may be necessary for some juveniles with a very high risk assessment or due to the severity of the offense. However, confinement should be reserved for only that small segment of juveniles who pose a threat to public safety.

For the majority of juvenile offenders, the more effective approach, and cost-effective, involves community-based initiatives that we have described.

I have seen the positive effects of these juvenile justice reforms firsthand. After starting the JDAI in Tippecanoe County, we were able to cut juvenile arrests from just over 1,600 in 2008 to 755 last year. That is a reduction of 891 arrests in just over 7 years.

Not only does that save us the costs associated with each arrest, we also canceled plans to build a 32-bed security detention facility at an anticipated cost of \$22 million. Using methods such as MST, FFT, and ART programs, beginning in 2008 and through the end of 2016, 427 youth have successfully completed the program, and to date, 51 percent have yet to recidivate.

In early 2014, we implemented two programs, Policing the Teen Brain and Juvenile Justice Jeopardy, as strategies to enhance how youth approach officers and vice versa. This work is paying significant dividends.

In the 2 subsequent years, we were able to reduce the number of arrests involving juveniles that involved battery on law enforcement, resisting law enforcement, and disorderly conduct by 31 percent. By teaching our officers and youth more productive and meaningful ways to interact, we are reducing conflict and improving relationships. It is our goal that every police officer in the county and eventually the State completes this course.

While States have led the way in juvenile justice reform, we cannot do it alone. JJDPa provides critical grants to States that help support our juvenile justice systems, including these alternatives to detention.

Reauthorization to update this law is long overdue, to ensure the best outcomes for the communities we serve. I was excited to see the committee introduce the bill last year to reauthorize the JJDPa and the Supporting Youth Opportunity and Preventing Delinquency Act. That bipartisan bill made important updates to Federal law that would support the advancements made in Indiana and many other States.

The bill also emphasizes continuing programs that help kids from involvement in crime in the first place, including evidence-based monitoring or mentoring and voluntary home visiting. Many States have expanded the use of those programs in recent years as well, and support through a Federal reauthorization would help continue this work.

I appreciate this committee's work on behalf of this important issue and was encouraged to see such a strong bipartisan vote to pass it in the House of Representatives. I hope a similar reauthorization will make it into law this Congress. I am glad to support you in this effort, and happy to answer any questions you may have.

[The testimony of Chief Flannelly follows:]

United States House of Representatives  
Education and the Workforce Committee  
Subcommittee on Early Childhood, Elementary, and Secondary Education

Subcommittee Hearing  
Providing Vulnerable Youth the Hope of a Brighter Future Through Juvenile Justice Reform  
Wednesday, February 15, 2017

Written Testimony of:  
Chief Patrick J. Flannelly  
Lafayette Police Department, Indiana

Chairman Rokita, Ranking Member Polis, and all members of the House Education & Workforce Subcommittee on Early Childhood, Elementary and Secondary Education, I want to start by thanking you for the opportunity to speak with you today about the importance of juvenile justice reform. It is a pleasure to be here.

I serve as the Chief of Police of Lafayette, Indiana. I am also the At-Large Director of the Indiana Association of Chiefs of Police. Additionally, I am a member of Fight Crime: Invest in Kids, a national organization of chiefs of police, sheriffs, prosecutors, and violence survivors. We have over 5,000 members nationwide and have at least one member represented in 97 percent of Congressional Districts. I bring this experience to speak about the juvenile justice reforms my state has adopted, the positive impact those reforms have had on public safety, and how Congress can support our efforts by reauthorizing the Juvenile Justice and Delinquency Prevention Act (or JJDPa).

Nationwide, juvenile recidivism remains a serious problem. For far too many young people, their first arrest is only the beginning of their run-ins with the law. Past studies have shown that if a youth 14 years old or younger becomes a second-time offender, their likelihood of future brushes with law enforcement spikes to 77 percent. Nationwide, 40 percent of young people who come before juvenile court will come before the court at least one more time. This cycle damages public safety, drains law enforcement resources, and does not help put those young people back on a better path. More needs to be done to ensure that if a youth offends, their first contact with the justice system is also their last.

Recognizing this challenge, Indiana has undergone reforms at the state level and at the county level to better address juvenile delinquency. Starting in 2006, Marion County Indiana joined the Juvenile Detention Alternatives Initiative (or JDAI). This strategy reprioritizes existing funding away from detention facilities and into community-based alternative programs. In 2010, my county of Tippecanoe joined the initiative. In 2013, these reforms went statewide.

Research has shown that effective community-based alternatives to detention for low- or moderate-risk youth can significantly reduce the likelihood that the youth will get into trouble again. These intervention programs engage the family, reasserting both family and personal responsibility. They also coach parents and youth in the skills they will need to change the young person's behaviors. This is an important part of fixing the problem, since many of the youth we see are following the footsteps of family members or peers who have previously gone down the wrong road. After undergoing these rigorous interventions, juveniles are much more likely to engage in more pro-social behavior and avoid future problems with the law.

Two of the anti-recidivism programs at work in my state are Functional Family Therapy (FFT) and Multisystemic Therapy (MST). Functional Family Therapy provides eight to 30 hours of coaching for parents and youth. The sessions focus on how to respond to situations and pressures in with more positive behaviors. Multisystemic therapy provides 60 hours of coaching for more serious youth offenders and their parents. While maintaining the importance of that immediate relationship, it widens the focus to reach out to more adults in that child's sphere of influence,

including teachers or coaches, to reinforce positive behaviors. Randomized controlled trials have found that FFT can cut youth recidivism by 50 percent and MST by 62 percent. Additionally, one trial of MST that did a 22-year follow up showed that troubled youth who did not receive MST were three and a half times more likely to be arrested for a violent felony than those who did (Henggeler, S.W., Mihalic, S.F., Rone, L., Thomas C., & Timmons- Mitchell, J. 1998).

It is important to note that confinement may be necessary for some juveniles with a very high-risk assessment or due to the severity of the offense. However, confinement should be reserved only for that small segment of juveniles who pose a threat to public safety. For the majority of juvenile offenders, however, the more just and effective approach involves community-based alternatives like those I described. A landmark study of the Ohio RECLAIM program found that diversion to local, effective youth programs reduced the rate of re-offending more than placements in juvenile facilities for most juvenile offenders. This was true for youth whose risk assessment classified them as low-risk, medium-risk, and high-risk. Only the final category of very high-risk juveniles were better served by confinement. (Lowenkamp & Latessa, 2005).

These programs are also more cost-effective. Nationwide, the average cost of confinement is \$88,000 per juvenile per year. That is more than the \$61,000 annual cost of tuition, room, and board at Harvard. Alternatively, because of the reduced costs associated with crime and contact with the justice system, MST and FFT saved the public an average of \$16,000 and \$27,000 per youth treated.

I have seen the positive effects of these juvenile justice reforms first-hand. After starting the JDAI in Tippecanoe County, we were able to cut juvenile arrests from 1,646 in 2008 to 755 in 2016, which a reduction of 891 arrests in just over 7 years! Not only did that save us the costs associated with each arrest, we also cancelled plans to build a thirty two bed secure juvenile detention facility at an anticipated cost of \$22 million dollars. Additionally, utilizing methods such as MST and ART (Aggression Replacement Training) programs beginning in 2008 through the end of 2016, 427 youth have successfully completed the program, and to date, 51 percent have yet to recidivate.

In early 2014, we implemented two programs, Policing the Teen Brain and Juvenile Justice Jeopardy, as strategies to enhance how youth approach Officers and vice versa. This work is paying significant dividends. In the two subsequent years we were able to reduce the number of arrest involving juveniles that involved Battery on Law Enforcement, Resisting Law Enforcement, and Disorderly Conduct by 31 percent. By teaching our officers and youth more productive and meaningful ways to interact, we are reducing conflict and improving relationships. It is our goal that every police officer in the county, and eventually the state, completes this course.

While states have led the way in juvenile justice reform, we cannot do it alone. The JJDPA provides critical grants to states that help support our juvenile justice systems, including these alternatives to detention. It also provides training, technical assistance, and research so that approaches can continue to improve. In 2005, Indiana created the Youth Law T.E.A.M. (YLT) to centralize Indiana's JJDP Act Compliance Monitoring services. Shortly thereafter, YLT developed a comprehensive JJDPA Compliance training curriculum. This training is routinely

provided to residential treatment facility personnel to ensure they know the correct procedure for handling youth in their custody, as well as judiciary, law enforcement, probation and other juvenile justice professionals. Unfortunately the federal law is lagging behind. Since the last time JJDPa was reauthorized in 2002, we know much more about what works to correct juvenile behavior and deter future offenses. A reauthorization to update this law is long overdue to ensure the best outcomes for the communities we serve.

I was excited to see this Committee introduce a bill last year to reauthorize JJDPa, the Supporting Youth Opportunity and Preventing Delinquency Act. That bipartisan bill made important updates to the federal law that would support the advancements made in Indiana and many other states. The bill also emphasized a continuum of programs that help keep kids from involvement in crime in the first place, including evidence-based mentoring and voluntary home visiting. Many states have expanded the use of those programs in recent years, as well, and support through a federal reauthorization would help states continue this work.

I appreciate this Committee's work on behalf of this important issue and was encouraged to see such a strong, bipartisan vote to pass it through the House of Representatives. I hope a similar reauthorization will make it into law this Congress.

Reauthorizing the JJDPa is an important opportunity to support evidence-based programs that can prevent youth from engaging in criminal activity or rehabilitate youth who are starting to offend. These proven programs provide a critical support for law enforcement, as well as an investment in those young people. I urge you to reauthorize the Juvenile Justice and Delinquency Prevention Act and am happy to answer any questions you may have.



Chairman ROKITA. Thank you, Chief. Judge, you are recognized for 5 minutes.

**TESTIMONY OF THE HONORABLE DENISE NAVARRE CUBBON,  
ADMINISTRATIVE JUDGE, LUCAS COUNTY JUVENILE DIVISION**

Judge CUBBON. Good morning. Thank you. Chairwoman Foxx and Ranking Member Scott, Subcommittee Chair Rokita, and Subcommittee Ranking Member Polis, and members of the committee, thank you so much for inviting me to come to talk to you about the children that I see every day and other judges see in their courtrooms and their families, addressing issues very personal to their families, and very important for us to assist them in making important changes in their lives.

I am not going to introduce myself because thank you, you have done that for me. I can tell you that in my years of experience in juvenile justice it became very apparent, especially when I took the bench 12 years ago, that our efforts in the 1990s to keep communities safe, although it was well-intentioned, maybe had a lot of unintended outcomes.

Walking into my courtroom and other courtrooms across the country, looking at the children appearing before me, it was very clear we had a disproportionate minority contact. Lots of unnecessary use of incarceration to control behavior without services accompanying that.

Programs intended to keep children out of the community became programs that were the stepping stone with non-compliance, putting them into the juvenile justice system.

So I say all of that to say that we are an enlightened body now. We are a community that understands the value of research. We are the community that understands the value of brain science, looking at adolescents, where they come from, looking at best practices, looking for technical assistance to assist each and every one of us as judges in our respective communities to help families and children make changes.

Ironically enough, I took a train down here today. I spent a few days in New York City at a meeting with over 400 judges and professionals in the area of juvenile justice, a meeting where we had an opportunity to engage in judicial and professional education looking at juvenile justice, as a matter of fact.

I can tell you there were probably judges and professionals from just about every one of your States that were there. I know States sitting next to me right now were there for sure.

It is so exciting to think that you are continuing to carry the torch for reauthorization of the Juvenile Justice and Delinquency Prevention Act, because we spent so much time while we were there talking about programs, research, development in the area of juvenile justice to address those issues that are evidence-based, best practices, innovative, to address the needs of the particular children that we serve every day, and to be able to develop programming to address the special needs of some of those particular subgroups that you talk about, like girls, mentally ill children, substance abuse issues impacting development, looking for great programming to assist them.

Judges, we have a unique perspective. We sit in the courtroom and we see the families, we hear the stories, and we know how important it is to have all these programs and opportunities that my colleagues in this room are all obviously agreeing with.

Juvenile justice reform is on its way. The children that we see in our courtrooms, many of which should not be in courts, they have the opportunity through diversion programs to correct those issues that brought them to the court's attention. We have children on the other end, those children that have some serious behavior issues that are compromising public safety, and a secure facility for them is important, but is meaningless unless they have specific programming to address their needs.

All those kids in between that we see regularly, with lots of other issues than just their presenting behavior, they may have trauma. Many children have trauma today; we know that from the work of OJJDP: mental health issues, developmental delays, special educational needs, children who are running away from their homes because of abuse and neglect, homelessness. We can go on and on and on. Those are the issues that we the judges want to address with programming so we can help these kids make important changes in their lives so they can be productive.

I hope you ask me some questions about things that are going on in my community, and any other questions that can help you in doing your important work. Thank you.

[The testimony of Judge Cubbon follows:]

The Honorable Denise Navarre Cubbon

Administrative Judge, Lucas County Juvenile Court, Ohio

Testimony before the House Committee on Education and the Workforce Hearing on “Providing Vulnerable Youth the Hope of a Brighter Future Through Juvenile Justice Reform”

February 15, 2017

Good Morning Chairwoman Foxx, Ranking Member Scott, Subcommittee Chairman Rokita, Subcommittee Ranking Member Polis and Members of the Committee. It is my honor to testify before you at today’s hearing, “Providing Vulnerable Youth the Hope of a Brighter Future Through Juvenile Justice Reform.”

My name is Denise Navarre Cubbon, and I currently serve as the Administrative Judge of the Lucas County Juvenile Court in Lucas County, Ohio, which encompasses Toledo and the surrounding area. I also serve on the Supreme Court of Ohio Advisory Committee on Children, Families and the Courts.

Prior to my election to the bench, I served as a Lucas County assistant prosecuting attorney for 23 years, where I spent most of my time in the juvenile division, so I have extensive experience working with victims of juvenile crimes. The victims I worked with genuinely wanted kids to have the chance to change their behavior and understand the circumstances these kids come from. I took that insight with me to the bench.

I strongly believe in incorporating cutting edge research and best practices in the field of juvenile justice to meet the needs of an ever-changing population of young people and seek the most positive outcomes for youth, their families and their communities. To that end, I am a member of the Board of Directors of the National Council of Juvenile and Family Court Judges (NCJFCJ).

As one of the oldest judicial membership organizations in the nation, the NCJFCJ has been instrumental in educating judges, referees, commissioners, court administrators, attorneys, social and mental health workers, probation officers, and other justice professionals across the country for 80 years. The NCJFCJ serves an estimated 30,000 professionals in the juvenile and family justice system. The NCJFCJ is recognized nationally, not only for the high quality judicial education we provide, but also for first-rate interdisciplinary training, hands-on technical assistance, research and statistics, and policy development in the areas of child welfare, juvenile justice, and domestic violence. The NCJFCJ is devoted to ensuring justice and improving outcomes for families, children, and victims of domestic violence that touch the court system.

I want to thank you for holding this hearing to amplify the great progress that the juvenile justice field has made. Congress and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) are integral to our success in the field. My colleagues and I at the NCJFCJ were pleased with the bipartisan, bicameral support for the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP) in the 114th Congress, and remain hopeful that a reauthorization can be

signed into law swiftly this Congress. This hearing is a positive signal that Congress is prioritizing a reauthorization, and we are grateful that you are keeping the drumbeat alive.

The NCJFCJ holds the position that the juvenile justice system must be properly resourced and must embrace an ever-evolving practice informed by the latest research from the field. Without education and resources and a federal partner to assist juvenile justice professionals, challenges will continue to burden certain parts of the juvenile justice system and we will fail to carry out the four core requirements of the JJDP.

I would like to focus my testimony this morning on my view from the bench, and specifically on ways to support the practices that keep juveniles from reoffending and enable them to go on to be productive members of their communities.

As you know, juvenile justice is unique because of the nature of the population that we serve. Recent breakthroughs in brain science tell us that the human brain is not fully developed until age 25. I will leave the 18-25 year olds for another time, but really for young people, they are still developing. The NCJFCJ has passed a handful of resolutions that place the well-being and safety of children in the court system at the forefront. One, regarding judicial training on adolescent brain development, builds on the NCJFCJ's ongoing research that proves the developmental differences between adolescents and mature adults. The resolution encourages judicial leadership to guide policy changes, practices, and decision making to incorporate the research findings on adolescent brain development.

I am not saying that young people who have committed offenses are not guilty or should not be held accountable just because they are not fully developed, but they should be given the kinds of services that are appropriate to help them make changes in their lives, whether it is cognitive or family therapy, partnering with a meaningful adult, getting special education services, or addressing the causes and effects of trauma.

Juvenile offenders go through a much different court process than adults. For example, while adults go to trial, juveniles are adjudicated; their actions are called offenses, not crimes; and rather than being sentenced, they receive a disposition. Likewise, a juvenile court process is much different than the adult justice system, and a judge sitting on a juvenile court bench needs specific training on the juvenile system in order to serve juveniles in the most productive way. In recent years, a body of research has begun to develop that has moved our field forward, and courts can now apply a strong evidence base to carry out what works and avoid practices that have been deemed ineffective with juvenile offenders.

Each state has its own juvenile justice system. Thus, laws, policies and practice vary widely among states and even at the local level. This variety results in a range of outcomes for youth, families and communities. In best-case scenarios, juvenile offenders are able to rehabilitate in a positive community setting and go on to lead productive lives. In worst-case scenarios, young people are not rehabilitated, and find themselves in a cycle of crime that lands them in the adult criminal justice system or worse.

The JJDP was created in 1974 to address the inconsistencies across the juvenile justice systems nationwide to improve outcomes for youth, families and the community. This game-changing legislation was last reauthorized in 2002, nearly fifteen years ago.

The JJDP identified four issues that are central to delinquency prevention and rehabilitation, known as the “four core protections.” States that comply with the four core protections can receive federal funding to advance their work to promote those protections.

The four core protections include:

- 1) Deinstitutionalization of Status Offenders (DSO): Status offenses are acts that are only illegal because the individuals committing them are minors - offenses such as skipping school, running away, consuming alcohol, or smoking. Under the JJDP, such offenders cannot be held in secure detention or confinement, with very limited exceptions. The DSO provision aims to prevent status offenders from being held in secure juvenile facilities for extended periods of time and in secure adult facilities for any length of time. Research has proven that detention is counter-productive in instances of status offenses, and these youth are best served in community-based settings.
- 2) Adult Jail and Lock-Up Removal (Jail Removal): Youth may not be detained in adult jails and lockups, with the following exceptions: a limited time before or after a court hearing (six hours), in rural areas (24 hours plus weekends and holidays) or in unsafe travel conditions. Some of the many horrors of children being detained in adult jails include psychological and physical abuse, isolation, assault and even suicide. (This provision does not apply to children who are tried or convicted in adult criminal court of a felony-level offense.)
- 3) "Sight and Sound" Separation: In the instances when exceptions to Jail Removal result in children being placed in an adult jail or lockup, these juveniles must be kept from "sight and sound" contact with adults, including being housed in proximity to adults, sharing common spaces or any other circumstance where an adult could be a threat. This provision, like the one above, is for the protection of children.
- 4) Disproportionate Minority Contact (DMC): States are required to investigate and remediate the disproportionate contact of youth of color at all points in the justice system - from arrest to detention to confinement. Research shows that young people of color are sentenced more harshly than their white peers for the same crimes and young people of color make up a disproportionate part of the juvenile justice system. This protection requires states to assess and address this inequity.

The mere fact that the JJDP and the Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) exist acknowledges the fact that kids need to be treated differently. The federal government has helped us develop data-driven best practices that show us that most kids' needs can be best met within the community.

The JJDP has been a pivotal part of the progress we have made in Ohio in juvenile justice practices. I would like to share a few short examples with you.

I am a member of the Ohio Department of Youth Services RECLAIM Ohio Advisory Committee. RECLAIM, which stands for Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors, operates based on widely accepted research about youth rehabilitation: that low and moderate risk youth offenders fare better when they are served in community-based placements as an alternative to incarceration.

RECLAIM Ohio has been in operation since the early 1990's and has seen tremendous results for juvenile offenders in the state. Today, more youth are served in local settings, where they can incorporate their support networks, such as families, into their treatment. Subsequently, Ohio's youth institutions are no longer overcrowded, and we are able to focus our efforts within our incarcerated population on rehabilitation and treatment efforts for the more serious, felony-level and repeat offenders.

RECLAIM Ohio has been so successful that the population under the ward of the Department of Youth Services in Ohio has gone from a high of 2,600 in 1992 to just over 500 individuals in recent years. Because of our programming, we have had the opportunity to keep kids at home and keep the community safe, which results in better outcomes.

We as judges have a responsibility to keep our communities safe while we give youth opportunities for rehabilitation and hold them accountable. Our position in Toledo is to apply the research that shows what is right for kids- only incarcerating those who pose a danger to the community. The only way to effectively achieve that is to develop a continuum of services that addresses the individual needs of each young person.

In Toledo we have recently developed a Community Treatment Center for felony offenders. This intensive day program uses the positive youth justice model, which emphasizes community ties, positive peer culture and family. Before services are provided, each kid who enters the Community Treatment Center is assessed to determine his or her needs. We make a point to meet each young person where they are.

Young people who go through this program face a series of steps toward genuine rehabilitation, starting with accountability. We have stabilizing services such as drug treatment programs, behavioral health services and family therapy. Trained mentors offer positive adult relationships, and workforce readiness programs include an urban greenhouse and other settings where teens can prepare themselves for employment.

As an aside, every single kid who comes into my court wants a job, so my colleagues and I are always looking at ways to get them job-ready.

It costs less to keep kids home and give them services to meet their needs- it is much less expensive than incarceration. It is also more effective. When you bring a young person back to the community without rehabilitation or community-based services, recidivism rates can be up to 75 percent, and a recidivism rate of 50 percent is considered "good." High risk kids really need targeted services in order to avoid recidivism.

Our JJDPF funding has allowed us to develop reentry programming that keeps kids engaged with their families when they're in lockup; utilize community programming to keep kids out of the system; acknowledge and address the fact that trauma causes trauma-triggered behaviors that have been misinterpreted for years and years. JJDPF funding allows us to help juvenile court judges work with service providers to figure out that certain behaviors categorized as crimes are symptoms of much bigger problems for our youth, and has equipped us with the tools to help kids succeed.

In terms of my own career and success on the bench, the ability to use training dollars to help judges do their work could not be done without the support of the OJJDP. That funding enables the NCJFCJ to translate research into practical training such as educational programs and resources that teach us best practices that have a positive impact on the young people in our courts.

Thank you for holding this hearing – it demonstrates that you value the best interests of the children of this country as highly as those of your own.

Chairman ROKITA. Thank you, Judge. You know, I have to say for the record that I am disappointed. I was hoping that you would help me meet a milestone today. As a former practicing trial attorney, I was waiting for the time in my life where I could tell a judge that she was out of time and she needed to be quiet. I am going to have to wait.

Thank you, seriously, for your testimony. It was enlightening. I appreciate it, everyone so far.

Mr. Reed, you are recognized for 5 minutes.

**TESTIMONY OF STEPHEN MATTHEW REED, EXECUTIVE DIRECTOR, SAFE PLACE SERVICES, YMCA OF GREATER LOUISVILLE**

Mr. REED. Good morning. Thank you, Chairman Rokita, Ranking Member Polis, and all members of the Subcommittee on Early Childhood, Elementary, and Secondary Education for the opportunity to testify at today's hearing.

My name is Matt Reed. I currently serve as the executive director of YMCA's Safe Place Services in Louisville, Kentucky. I have had the privilege to work with at-risk youth for over 20 years. Our programs at Safe Place provide judicial and law enforcement partners with effective and evidence-based alternatives and have tangible and measurable results in keeping kids out of the justice system.

Since 2005, Safe Place has operated a Juvenile Field Release Program. The Field Release Program is a partnership with law enforcement, juvenile court, and our youth detention center. The goal of this program is to provide law enforcement a safe release option as an alternative to detention when they encounter a juvenile who has committed a misdemeanor or nondetainable criminal offense.

Since full inception, approximately 1,900 juveniles have been served by Field Release, helping decrease overall youth detention numbers by 60 percent. However, the most significant impact of the Field Release Program has been the number of youth who gain immediate access to in-house or community partner referrals. Fifteen percent of our Field Release youth are placed directly in YMCA's Shelter House Program, which is our 24-hour residential program for 12- to 17-year-olds. They find immediate safety and support.

Over 76 percent overall of our Field Release youth leave our care with either an in-house or community partner service referral in place, such as drug treatment, mental health therapy, or a mental health evaluation.

During 2010 and the 2011 school year, Safe Place also successfully operated a truancy diversion pilot project in response to the increasing number of youth missing more than 10 days of school per year. The model program served approximately 40 youth per year. Most entered the program having missed 75 or more days of school and were experiencing other challenges such as low academic achievement, substance abuse in the home, poverty, and unstable housing.

Before funding was cut at the State level in 2012, this program cut truancy rates by 73 percent, and successfully diverted 67 youths from commitment to State's custody.



In 2016, most recently, we have received a Title II grant through the Kentucky Justice and Public Safety Cabinet. Funding for this grant was provided by the U.S. Department of Justice's Office of Juvenile Justice Delinquency and Prevention.

We are very excited about this opportunity, and it is actually called the Opportunity Program. The Opportunity Program is designed to engage at-risk youth and first-time nonserious offenders, ages 10 to 14, in programs that reduce their rate of entry into the juvenile justice system.

Our program has three service components. First, it has a mock truancy court for our middle school youth. We have an early elementary school intervention component for children who have at least one parent incarcerated. Throughout the program we provide intensive case management services through our pods of 10 weeks, as we work with the kids and families.

The results are very positive so far. Forty-eight kids have been served since launching in October. Of those, 46 have no new involvement with juvenile court, and 65 percent have no additional unexcused absences from school.

With permission, I would like to conclude my remarks by sharing a success story that best captures the value of our community-based programs.

This is Cassidy's story. At age 12, Cassidy was living a life that no child should ever have to endure. First introduced to drugs at the age of 12, Cassidy lived in what is often known as a trap house, a haven for drug dealers and buyers, constantly streaming in and out at all hours.

On days Cassidy actually attended school, her experience was very difficult when she came home. She would find one drug dealer in the living room, one in the kitchen, and another propped up in the dining room. There were guns, pot, powders of all kinds lining the tables. Smoke was everywhere and noise was everywhere, but her mother was nowhere to be found.

Sometimes transactions even occurred in her bedroom. Those were some of the scariest for a 12-year-old girl.

Cassidy routinely missed 40 to 70 days of school during middle school and 92 days of school her freshman year. In the summer of 2012, Cassidy's life would change forever. After being arrested for possession of a handgun and drug paraphernalia, her mom refused to give up the dealers and chose to pin it on Cassidy, but this turned out to be the best part of this story because it turned things around for Cassidy.

Those charges were straightened out, and Cassidy came to our shelter program. After receiving counseling and being placed with her grandparents, Cassidy went on to do wonderful in school.

Because of the support of our case manager, Linda, her word was never broken to Cassidy, and after completing tutoring and counseling classes, Cassidy graduated high school on time, and eventually sat for the ACT. Thinking that she would not score well, Cassidy actually scored a 24 on her ACT, still a sophomore in high school. Today, Cassidy is at the University of Louisville, maintains steady employment, and recently became a mom.

We are very proud of her success and the success of this program.

Thank you for the opportunity to speak with you today. This important and critical reform work is needed, and your diligence and dedication is greatly appreciated by all of us across the country.  
[The testimony of Mr. Reed follows:]



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**Prepared Remarks of Stephen Matthew "Matt" Reed, Executive Director  
YMCA Safe Place Services, Louisville, KY**

**For testimony before the United States House of Representatives Committee on  
Education and the Workforce Subcommittee on Early Childhood, Elementary and  
Secondary Education**

**"Providing Vulnerable Youth the Hope of a Brighter Future Through Juvenile Justice  
Reform"**

**February 15, 2017**

Good Morning. Thank you, Chairman Rokita, Ranking Member Polis, and all members of the Subcommittee on Early Childhood, Elementary and Secondary Education for the opportunity to testify at today's hearing.

My name is Matt Reed and I currently serve as the Executive Director of YMCA Safe Place Services in Louisville KY. I have had the privilege to work with at-risk youth for over 20 years.

I am here today to highlight some of the successful strategies and programs we have developed at YMCA Safe Place Services. We know that critical work remains to further strengthen juvenile justice reform. Many of our programs at Safe Place provide judicial and law enforcement partners with effective and evidence-based alternatives that have tangible and measurable results in keeping kids out of the justice system.

**Field Release**

Since 2005, YMCA Safe Place Services has operated a **Juvenile Field Release** program. The Field Release program is a partnership with local law enforcement, the administrative office of courts, and the Louisville Metro Youth Detention Services. The goal of this program is to provide law enforcement a safe release option as an alternative to detention when they encounter a juvenile who has committed a misdemeanor or non-detainable criminal offense.

Since its full inception, approximately 1,900 juveniles have been served by Field Release, helping decrease overall youth detention numbers by 60%.

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However, the most significant impact of the Field Release program has been the number of youth who gain immediate access to in-house or community partner referrals. For example, 15% of our Field Release are youth placed directly in the YMCA's Shelter House, a walk-in residential program for 12-17-year-olds that provides immediate safety and support. Overall 76% of our Field Release youth leave our care with either in-house or community partner services in place; including specialized services, such as drug treatment, or mental health therapy and evaluation.

During the 2010 and 2011 school years, YMCA Safe Place Services also successfully operated a **Truancy Diversion** pilot project in response to the increasing number of youth missing more than ten days of school per year. The model program served approximately 40 youth per year. Most youth who entered the program had missed 75 or more days of school and were experiencing other challenges such as low academic achievement, substance abuse in the home, poverty, and unstable housing. Before funding was cut at the state level in 2012, this program cut truancy rates of our participants by 73% and successfully diverted 67 youth from commitment to state's custody.

In 2016, we received a Title II grant through the Kentucky Justice and Public Safety Cabinet. Funding for the grant was provided by the US Department of Justice's Office of Juvenile Justice Delinquency and Prevention. This grant is supporting us in our launch of the **Opportunity Program**.

The **Opportunity Program** is designed to engage at-risk youth and first-time, non-serious offenders, ages 10 – 14 years, in programs that reduce their rate of entry into the juvenile justice system. It includes three service components:

1. A "Mock" Truancy Court for middle school youth.
2. An Early Elementary School Intervention component for children who have at least one parent incarcerated;
3. And Intensive Case Management services available throughout the 10-week program.

The results so far are very positive. 48 kids have been served so since launching in October. Of those, 46 have had no new involvement with juvenile court, and 65% have had no additional unexcused absences from school.

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### Success Story

With permission, I'd like to conclude my remarks by sharing a success story that best captures the value of our community based programs. This is Cassidy's\* story.

Years before the staff and I met Cassidy, she had been introduced to a lifestyle that no 12-year-old should ever have to endure. First introduced to drugs at the age of 12, Cassidy lived in what is often known as a trap house—a haven for drug dealers and buyers—constantly streaming in and out at all hours. On days Cassidy actually attended school, this was her experience when she returned home: Cassidy would enter to find one drug dealer and their buyers propped up in the dining room, another group set up the kitchen, another in the living room. There were guns, pot, and powders of all different colors lining the tables in smoke filled rooms.... noises everywhere... but a mother that was nowhere to be found. Sometimes transactions even occurred in her bedroom... those were scary ... the worst for a 12-year-old girl.

Her mom supported her own drug habit by selling off their food stamps and belongings, sometimes doing even worse. This was Cassidy's life through middle school until the end of her freshmen year of high school in 2012. During middle school, Cassidy routinely missed 40-70 days a year, missing 92 days of school her freshmen year and failing all but one of her classes.

But then in the summer of 2012, her life would change. She was arrested for possession of a handgun and drug paraphernalia after these items were found in her bedroom following a drug raid. Her mom had refused to give up any of the dealers, choosing instead to pin it on Cassidy. She watched her daughter taken off in handcuffs.

Those charges were later straightened out. This moment would actually prove to be one of the biggest blessings in Cassidy's life. Cassidy came to our shelter program following court and stayed with us through the custody removal process, eventually going to live with her grandparents.

Cassidy had endured a great amount of trauma as a child and was now an angry 15-year-old. Her grandparents began to bring Cassidy back to us for Family Team Meetings. Case planning and

\*Name has been changed to protect the privacy of the individual.

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goals were basic at first, but what was not basic—and started to become evident to Cassidy—was the commitment made by her new family and her truancy case manager at Safe Place, Ms. Linda.

Home-visits, school visits, rides to counseling, you name it, Linda did it or found a way. She never, ever broke her word to Cassidy. With that consistency, Cassidy and Linda developed a very strong relationship. By the start of next school year, Cassidy committed herself to extra tutoring, counseling, drug classes, even performing community service at Safe Place.

In November of 2013, just a year and half after coming to us, Cassidy signed up to take the ACT. She embarrassingly explained it away to Linda, stating, "I really just want to see what the test is like. I know I'll never be able to get in to college."

Cassidy, technically still a high school sophomore, received her ACT results in December of 2013. She had scored a 24.

Cassidy received her high school diploma in August of 2014. She indeed went to college and is enrolled today at the University of Louisville. She maintains steady employment and recently has become a mom. She and her fiancé, also a student at UofL, plan to marry in the spring.

Again thank you Chairmen Rokita, Ranking Member Polis, and all members of the Subcommittee on Early Childhood, Elementary and Secondary Education. The important continued reform work needed in our juvenile justice system is critical. Your diligence and dedication to kids across our country is greatly appreciated.

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*YMCA Safe Place Services is a branch of the YMCA of Greater Louisville that is committed to making communities stronger by providing help, hope and healing to teens and families in crisis. With a focus on positive youth development, YMCA Safe Place Services seeks to strengthen families by breaking cycles of violence, abuse and turmoil and giving children and families the resources they need for a better future. From youth mentoring and family mediation services to street outreach initiatives and trauma-informed care, YMCA Safe Place Services is redefining how its communities address the needs of youth who are at risk of running away, becoming homeless or engaging with the justice system.*

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Chairman ROKITA. Thank you, Mr. Reed. I am going to hold on my questions as chair and recognize the chairwoman of the full committee, Dr. Foxx, for 5 minutes of questioning.

Mrs. FOXX. Thank you, Chairman Rokita, and thanks to all the witnesses who are here today. Thank you very much for being here.

Chief Flannelly, you have referenced alternatives to incarceration your department is involved in to help at-risk and committed youth. Can you discuss the importance of service options to ensure a child is placed in the best program to prevent him or her from being a repeat offender?

Chief FLANNELLY. Thank you, ma'am. Yes. One of the processes we have in place in Tippecanoe County, and this was the pilot that started in 2009, when a young person would be arrested, whether it be for a status offense or any offense, they were brought into an intake facility.

We had specially trained personnel in that intake facility that would run them through some questionnaires. We can provide copies of what those questionnaires look like.

You get an understanding of what is the core issue with the individual that you are dealing with right now. A lot of times what we see out on the street in law enforcement are really just the symptoms of much larger problems.

By being able to identify what some of those core issues are, we can direct them into the appropriate services at a much faster rate. The sooner we get them into the right services, the better outcomes we get. The numbers have really just been astounding over the last few years.

Mrs. FOXX. Thank you very much. Ms. Williams, in order to ensure that taxpayer funds are well spent, it is important to measure accurately the effectiveness of programs. Are there particular challenges associated with measuring the effectiveness of juvenile justice programs?

Ms. WILLIAMS. Thank you, Representative Foxx. There are always challenges in being able to evaluate the effectiveness of programs. To do a true evaluation is actually a very expensive process, because you need to have control groups to actually do the comparison, to be able to attribute change to a particular intervention.

What we do in Colorado is we are very strict about making sure that they are collecting data, short of being able to do a true scientifically based evaluation. Then we are able to collect data. We really take a look at it on a quarterly basis to make sure that they are serving the numbers of kids and we are beginning to see the outcomes.

The other thing we do is when there are particular programs that show promise, we will use our Federal funds that Congress allocates to us in Title II to conduct more in-depth evaluations, that we would otherwise not be able to do.

I think it is incredibly valuable to be able to fund programs, and we will only fund programs where there is some evidence to suggest that they work, and they can show us studies that say this is based on sound science. Then we can determine whether or not we are beginning to see such results and then determine if we want to invest in an even further more scientifically based evaluation.

Mrs. FOXX. I am very happy to hear that. Several of you have talked about evidence-based and best practices. That is encouraging to know you are using the evaluations that you have to do that.

Mr. Reed, you talked about the services you provide in your community. Is it possible that a young person can learn about these services on their own, or is it always when they come into the system in some way before they are connected with a service?

Mr. REED. Actually, we have found that being proactive and very active in the community is critical to ensure that the kids know about our programs prior to any involvement with the justice system.

I believe a community partnership strategy is very important so that the word spreads and we can get to our kids and young people much sooner before they begin to commit their criminal offense.

I think it is possible, but it is really incumbent upon the organizations and community providers to have a continuum and a strategy to get the word out. That is sometimes looked at as maybe an indirect resource, but I think it is very critical to put resources into the education of young people. We spend a lot of time in schools, talking with young people in schools about our services. Thank you.

Mrs. FOXX. Thank you, Mr. Chairman.

Chairman ROKITA. I thank the gentlelady. Mr. Polis, you are recognized for 5 minutes.

Mr. POLIS. Thank you, Chairman Rokita. Ms. Williams, in both the House and Senate bills that were passed to authorize the Juvenile Justice and Delinquency Prevention Act, the term "dangerous practice" was defined as, "An act, procedure, or program that creates an unreasonable risk of physical injury, pain, or psychological harm to juveniles subjected to the act, procedure, or program."

Both bills required States in their State plans to, "Describe the policies, procedures, and training in effect for the staff of juvenile State correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, such as the shackling of pregnant juveniles during labor and delivery, and unreasonable isolation, including by developing effective behavior management techniques."

My question for you is would Colorado have any trouble conforming to this requirement?

Ms. WILLIAMS. Thank you, Representative Polis. I do not believe we would have any problems in Colorado. In fact, this is something that our State legislature has been addressing, and to be quite honest, our Division of Youth Corrections, which is responsible for both the detention and commitment of juveniles under juvenile justice, has responded quite well to the suggestions. We have a representative of Youth Corrections on our State advisory group. They are an amazing partner with us and are well aware of the JJDP Act.

Mr. POLIS. Given your multi-state experience, do you think any State would have trouble conforming to those requirements?

Ms. WILLIAMS. I believe some States—I honestly do not know enough about each State. I think there may be some States who struggle with it. What I would suggest is that there are enough of us other States who have been able to address it.

That is the beautiful part of the JJDP Act, it really provides a learning community among all the States and territories and we



can help each other. So if there are other States who are struggling with this particular issue or any of them, I am often called upon to help, and I have called other States to help on particular issues, so I would suggest we have solutions available.

Mr. POLIS. I ask because we have all seen the horror stories about the use of restraints on children in juvenile facilities. It was just a year ago this January that Gynna McMillen, a 16-year-old girl, died of cardiac arrhythmia in a Kentucky juvenile detention center after she was placed in the Aikido-styled restraint by center staff for refusing to remove her sweatshirt during booking.

The restraint she was placed in is now one that is outlawed in Kentucky public schools, but it is still allowed by the Department of Juvenile Justice. While there is a suggestion that if the center staff had checked on Gynna through the night, every 15 minutes, as required by regulations, she might not have died, there is the question of whether the restraint played a role in her death, and evidence to that effect has been presented in the courts.

I wanted to raise that story to highlight the need to train juvenile justice facilities and faculty to deescalate situations, resort to dangerous practices only when necessary, and to point out that Gynna was at the secured facility after police were called while she was getting into a fight with her mother.

Judge CUBBON. I wanted to ask you about the indiscriminate use of shackles in juvenile courts. As you know, in most States juveniles are shackled often for court appearances without any proof of a flight or safety risk, and that is in contrast to adults, where courts have found there usually has to be a compelling security interest to necessitate shackling.

In my home State of Colorado, the individual judicial districts have each recently developed their own procedures on shackling, and in many other districts there is now the rebuttable assumption that a juvenile offender does not need to be shackled or the practice has been prohibited except for a few violent offenders. I understand that is also the case in Ohio where you preside.

Judge CUBBON. That is correct.

Mr. POLIS. Can you tell me what your experience has been with this? Have you felt any less safe in your courtroom when juvenile offenders came before you unshackled?

Judge CUBBON. I can tell you this is another example of how education can enlighten parties when you are talking about a topic, just like solitary confinement issues, along the same lines.

In the State of Ohio, we had a directive and request from the Ohio Supreme Court for the judges to look at the shackling procedures. As you can imagine, 88 counties in the State of Ohio and 88 different opinions.

I really believe that once we circulated the research and the information, conversations with law enforcement, and amongst the judges, core personnel, and the people that we as judges have control over in the courthouses, we decided the research would indicate that even having a presumption against shackling would be beneficial.

Do I feel frightened in my courtroom? No, I do not. I don't. I think as we continue to educate the judges across the country on that issue, creating presumptions against shackling, I think that

will be an example of a procedure that will be eliminated across the country. I really do.

Mr. POLIS. Thank you. I yield back.

Chairman ROKITA. I thank the gentleman. Dr. Roe, you are recognized for 5 minutes.

Mr. ROE. Thank you, Mr. Chairman. First of all, thanks to all the panel members. I think you do some of the most important work done in this country. You have young people whose entire lives are ahead of them that can go in two directions. One is not a very good direction.

Just a personal story. I had an opportunity when my son—remember, stupid is on the Y chromosome. He rolled the principal's yard at age 12 or 13 and was caught. We had to go to juvenile court. God bless Judge Underwood, who sentenced him to writing out "I will never roll a house again" 1,000 times. His father was not real happy about that trip.

The story ends with he is a successful futures trader/owner in Chicago, Illinois. I thank Judge Underwood to this day, and had no more problems after that.

I am a little distressed. We have a system, you are at the end of a problem that started to none of your doing. In our area now, we have an entire neonatal intensive care unit with drug-addicted babies. Twenty-five percent of those babies end up in foster care in the State of Tennessee in 1 year.

It is the saddest thing in the world to see, and it is an enormous social cost, and an enormous cost to those children in the way they end up in their lives and where they end up.

Chief, I am just going to ask, and any of you, what do you think the main reason for children entering the juvenile justice system is? If there is a thing you could put your finger on, what would it be?

Chief FLANNELLY. I think you just touched on it, sir. It is incredibly sad. I think a lot of times for young police officers, it is one of the biggest adjustments they have, when you enter into the profession, you have a certain amount of idealism and you feel really good about the opportunity to go out and help, and you quickly realize that for some of the issues that you are facing, there is no law enforcement solution.

I think over the years through evidence-based practices and other means, and just raising the level of professionalism across the board, we have made tremendous advances in our profession and others.

I like to talk about in Indiana or in Lafayette in our PD, we like to consider ourselves one spoke on a much larger wheel. We try to focus on the problem and then look to see what kind of community resources we have in place that can help address the specific problem.

I think that is the ultimate question, how do we address these issues at the earliest possible time so we can create the best outcomes down the road.

Mr. ROE. Chief, there has obviously been a lot of negative aspects of police officers. You have seen this in the last couple or 3 years. How do you interact with young people who already have a very negative view?

We have a very active community policing in my hometown. It is a small town of 65,000 people. My hat is off to those folks who every day go out. There is a resource officer at the school. I think children can get trust in by getting to know that police officer. How do you cross that bridge?

Chief FLANNELLY. Community outreach is a key component to that. We have expanded in our agency. We are a midsized agency, 142 officers. We have dedicated four officers just for that purpose alone. We have a school resource officer. We have DARE officers. All those things where we can create relationships that we know will help.

Quite frankly, for law enforcement, we are fighting a battle on multiple fronts, and it is a perception battle as much as anything else. It can be very difficult when you are trying to do the best work you can for those best outcomes. A lot of times, there is just a lack of understanding of what the core issues are.

I think you mentioned it, we are downstream from those issues. By the time the problems come to the attention of law enforcement, there were a lot of opportunities where we could have probably intervened, a lot of it really starting at the family level. What are the conditions in the home? What are the conditions in that child's environment that might be affecting which path they go?

Unfortunately, when children are exposed, such as the story we heard about with Cassidy, that is an everyday, all-day-long thing for police officers in this country.

Like the YWCA, we have very similar programs in Lafayette where we can intervene early. I think that is our best chance for success: outreach, trust. Just like the programs I mentioned earlier, those are also important parts where we can conduct this training. Juvenile Jeopardy is a perfect example where we have learned to interact with juveniles.

Mr. ROE. Chief, thank you. My time has expired. But, Mr. Reed, I think you have had a successful career because you impacted one person's life. Thank you for that.

Mr. REED. Thank you.

Chairman ROKITA. The gentleman's time has expired. Ms. Fudge, you are recognized for 5 minutes.

Ms. FUDGE. Thank you very much, Mr. Chairman, and thank you all so much for your testimony and for your work trying to protect our children. I know it is trying but very rewarding kind of work.

I just want to say some years back in another life I was the mayor of a small city. Our police chief put in place midnight basketball, something very, very simple, for the police and for juveniles to interact together. During that hour and a half, it received not one call to the police department. So, interventions do help.

Your Honor, thank you for being here. I, too, obviously am from Ohio. Pleasure to see you. Certainly, you are aware that since the last reauthorization of this act, funding has decreased by more than half. Tell me how it has affected your work, and what the real cost is if we do not invest in our future, in our children.

Judge CUBBON. Well, first, I would like to respond for a second to Mr. Roe to say that being a juvenile court judge is probably one of the best jobs around the country, because we have an opportunity to participate and walk the walk with the family, making

important changes in their lives, and the successes are enormous. One success at a time keeps us going.

We are from Ohio. I am from Northwest Ohio. We have had our financial times in our community where we had to do a lot of cutting of our funding. It was an opportune time for us because this is the time when juvenile and adolescent brain science research was coming about. People were beginning to look at the way they handled children differently, are there better ways and practices, best practices, using data to make decisions.

It was a great opportunity for us to look at resources and talk about maybe we should be reallocating them into programs that work, and into processes that work.

There is great value for police officers and departments that want to begin diversion programs. They keep those kids out of court that probably do not need to be there in the first place.

On the other end of the spectrum, we had an opportunity to develop our reentry programming for the kids who were, in fact, incarcerated, creating roadmaps for them to come home, using our resources wisely, so when they came home they were prepared to put into practice the work they had done in the institution, like cognitive behavioral therapy, family therapy, and such, but all the kids in between.

We had an opportunity to focus on the children who had high-risk needs, investing our money wisely for efforts for them to make changes in their lives. And then the lower level kids, keeping them out of the system as best we can, supporting the families with community-based programming, respecting the families, having the community join us as partners so they can help us in assisting kids in making those changes in their lives, like schools and other organizations, mental health, becoming active partners.

Ms. FUDGE. Did the decrease in funding affect these programs? That is really my question.

Judge CUBBON. I would say the decrease in funding has kind of limited the opportunities for other communities across the country to take advantage of them.

When you become enlightened and you understand the work and you understand what is important in developing your programming, like letting the data show your results and such, you can kind of lie, but so many jurisdictions across our country really need that assistance. Talking about things like shackling, educating their communities.

Ms. FUDGE. Thank you very much. Mr. Reed, same question.

Mr. REED. Yes, I believe the first part of your question was the cost without the program, and it can be answered in terms of the State of Kentucky, if I might share, for a young person who let's say goes on to prison, for example. Let's say that is where they continue to head, that and the loss of potential income, that is about \$100,000 per youth right now in the State of Kentucky.

There is a significant financial cost. There is obviously a social cost when these programs are not available. Folks like Cassidy, we will not see those young people in school.

In terms of how this decrease in funding has affected us, from our perspective, it has been a barrier in the sense of not being able to establish long-term planning for the programs that we have de-

veloped that seem successful and have shown results. Those are the programs we want to double. Those are programs we want to have additional funding for so that when we have to reassess and look for different funding sources, I think that delays our ability to serve more youth.

Ms. FUDGE. Thank you.

Chairman ROKITA. The gentlelady's time has expired. I thank the gentlelady. Mr. Garrett, you are recognized for 5 minutes.

Mr. GARRETT. Thank you, Mr. Chairman. First of all, I want to thank each one of the members of the panel for the impressive work you do.

Judge, my hat tipped to you. I served for about 10 years as a prosecutor, including time as an elected prosecutor. The worse thing that ever happened to me was when the person who handled our juvenile court system would be out sick and I would have to go in there and navigate that second set of rules and understand the purpose of the system is different at that level.

I wanted to ask you about your observations as it relates to prosecutors and their training in dealing with juveniles. I know we have had some problems with funding for prosecutorial training here in the past few years and in continuing to fund that.

Do you see a marked difference based on the attitude, education, and experience level of prosecutors as it relates to the juveniles with the goal of getting them out of the system, and what would your observations and thoughts be about how we can help?

Again, if the goal is diversion and a failure, for lack of a better word, or prevention, a much better word, from people entering the adult criminal justice system, what sort of things do you think we can do to train the people on that end of the criminal justice system to get better outcomes for young people?

Judge CUBBON. I can say this first, in my 23 years, spending most of my time in the juvenile division, you are absolutely correct, there is a difference between being a prosecutor in the juvenile division and being a prosecutor in the adult division. I am here to tell you that I am one of those people who went to the adult division and said no, thank you, I am going to go back to juvenile court because this is the court of hope, right?

Mr. GARRETT. Right.

Judge CUBBON. Right? I always say sometimes you have to take advantage of opportunities. I seriously believe that prosecutors, probation officers, the court, service providers, entering into interdisciplinary and multidisciplinary training or education is a win-win for the families that we serve, in whatever your role or capacity is.

If you are a prosecutor, you are representing the victim. I learned this early on as a prosecutor, victims of juvenile cases, juvenile offenses, always want to give the child a chance to make changes in their lives. We know so much more now that I believe the prosecutors can assist us with that message to the victims and to the community, talking about we have to keep the public safe. That is their responsibility, the court's responsibility, and everybody else's.

At the same time, having conversations about having effective screening tools, assessment tools, to make determinations about

these risky behaviors a result of a trauma trigger, are they a result of maybe some social determinants that are getting in the way of them going to school, such as hunger, homelessness, is there abuse going on in their homes.

Prosecutors having conversations and being trained and attuned to those kinds of situations can fashion their recommendations to the court to make important changes in these kids' lives because, let's be honest, if we have high-risk and moderate-risk behaving children and we can give them appropriate services to change their behaviors, then we have the likelihood for a safer community.

Coming together as a team. I can tell you the National Council of Juvenile and Family Court Judges has offered training for prosecutors, as they do with public defenders and others, looking at it as a joint effort to make recommendations that are in the best interest of the child and their family and, likewise, in the best interest of the community.

Mr. GARRETT. Thank you, Judge. I do not have a lot of time remaining. Ms. Williams, you are from Colorado. Colorado has been a leader as it relates to legalization of cannabinoids, and it is something where I see a failure on our part here at the Federal Government level because essentially if you enforce federal law one way in one State and differently in another, then you fail to have equal justice by virtue of the fact that justice that is not blind is not justice.

To me, I want to watch and see what happens in Colorado, and I'd like to have the states have a stronger purview over their own policy vis-a-vis this Tenth Amendment thing. Do you have any experience or insight as to the juvenile justice experience in Colorado?

I have been looking at a lot of the data, which some of it is actually quite encouraging, actions taken in Colorado with relation to cannabinoids.

Ms. WILLIAMS. Thank you very much, Representative Garrett. Actually, the division that I work in is responsible for collecting data regarding marijuana in our State. To be quite honest, it is still very early. We do have conflicting data. Some Federal data suggests it is getting worse for young people and others that say actually use is going down.

I think we need more time to decide.

I do think regardless of whether it is being driven by the increased exposure to marijuana, we still have a drug issue in our country. Certainly in Colorado, opioids are actually a bigger problem than any, and the need for treatment and treatment that will work is probably even more important for us and for other States in the Nation.

Chairman ROKITA. The gentleman's time has expired.

Mr. GARRETT. Thank you, Mr. Chairman.

Chairman ROKITA. The prosecutor did a good job of dropping a question with 2 seconds to go. The gentlewoman from Oregon is recognized for 5 minutes.

Ms. BONAMICI. Thank you very much, Mr. Chairman, and ranking member, and thank you to all our witnesses. This is a great discussion.

I wanted to just point out this interconnectedness, following up on some of the questions that have been asked. Just yesterday I had in my office a group of healthcare providers from Oregon.

With our Medicaid expansion, we have coordinated care organizations. These happen to all be from rural areas.

They talked about the work they are doing really based on the CDC-Kaiser adverse childhood experience (ACE) study, which is now several years old, but they talked about the recognition that childhood abuse and neglect affects later in life, and working with early learning hubs and having that coordinated care is making such a difference. They call it "self-healing communities."

Based on the same model, our neighbor to the north, in one county in Washington, they saw teen births down 62 percent, youth suicide and attempts down 98 percent, youth arrests for violent crimes down 53 percent, and dropout rates down 47 percent.

My point is this is something that our healthcare providers are working on in rural communities with our Medicaid expansion dollars, and I urge all my colleagues to keep things like this in mind as we talk about things like health care reform, and also as we talk about how we engage students in school.

For example, our career and technical education bill that passed the House, but not the Senate. If we are engaging students in school, they are much more likely to stay engaged and out of the criminal justice system.

I wanted to also ask, one of my priorities is for those youths who are in the system, I am really concerned about preserving the continuity of their education. Making sure they have access to quality education while they are in the juvenile justice system is really critically important to their reentry.

We have a great partner in Oregon, our Oregon Youth Authority. They are responsible for more than 1,300 young adults in the juvenile justice system. They had 150 youth who earned their high school diplomas and GEDs last year.

I wanted to ask the panel, but I will start with Judge Cubbon, how can an update to the JJDPa promote the continuity of education for youth who are incarcerated? How can we best support the youth who are returning to traditional schools after they have been incarcerated? I'll start with the Judge.

Judge CUBBON. Thank you. I would say that we have frustrating conversations about education amongst this population of kids regularly. We in the State of Ohio are lucky that our Department of Youth Services has made a concerted effort to help kids get credit recovery, maybe pursue a GED for the older children that are incarcerated, and to start to look at their special educational needs while they are in the institution, so when they can come home, they are better prepared for whatever their educational setting is going to be.

Ms. BONAMICI. What are the barriers? Why are not more students able to continue their education while they are incarcerated?

Judge CUBBON. I do not want to say it is mandated in Ohio, but it is pretty much mandated in Ohio until they are 18 in the institutions. To me, the more frustrating part is we have these kids that are ready, willing, and able to come back home and ready to go into a GED program, continuing ed program, and their success is lim-

ited in the beginning. They are coming home after a period of time, so they have to re-indoctrinate themselves in their homes and in the community, and that bad kid memory, oh, there is that kid again.

I think it is really vitally important that we begin partnering in a more deliberate way with the education system leading the way to help us help those kids and answer those questions.

I know that is really vague, but it is really an area that is really very frustrating.

Ms. BONAMICI. Does anyone else have a response in my remaining 36 seconds?

Mr. REED. I will be very quick. I think one challenge is being confined in detention, in secure confinement, would mean you are posing a risk to the community. It is for safety. I think there is a philosophical difference. You are going into the justice system because you are a risk to the community.

I really feel it is hard to fold education into that because the intent of the justice system is to keep the communities safe. I think it needs to expand or we need to deal with the fact that the intent of justice is safety and, therefore, I am a huge believer in let's keep as many out as possible.

Ms. BONAMICI. One of the intents, but my time has expired, and I yield back. Thank you, Mr. Chairman.

Chairman ROKITA. The gentlelady is correct, her time has expired. I am going to recognize myself for 5 minutes at this time.

Starting with you, Chief, you talked about a couple of programs, Policing the Teen Brain and Juvenile Justice Jeopardy, and you have answered questions around that, I believe, already.

Mine is specific. How do these programs impact your officers' daily shifts? Is this complementary to it? Is this another task? Enlighten us.

Chief FLANNELLY. The training that we conduct with the officers, we do it in an environment outside of their work day. The programs, they typically run 2 to 3 days. We actually have peers that will train; we have peer-to-peer trainers.

Chairman ROKITA. Is that good or bad? Do they do that willingly?

Chief FLANNELLY. Absolutely.

Chairman ROKITA. Is it on their own time?

Chief FLANNELLY. No, we do it on department time. At first, we were a little concerned as to how it was going to be accepted, but once the officers get in there, they realize the science behind what they are learning, and this is going to be a very effective tool for them when they are having these interactions out on the street and in moments of crisis.

We do not deal with people in the calm moments. We are called because something significant has happened, whether it is a crime, a fight, whatever that might be.

It is a great opportunity for officers to understand they might not be talking to the prefrontal cortex of a 16-year-old. They are talking to the midbrain. For them to understand, okay, he may be saying some things right now and he does not really mean it. They have just a better understanding.



Chairman ROKITA. Ultimately, this helps them in their daily work?

Chief FLANNELLY. It helps significantly. We have had tremendous feedback, and now we have officers that look forward to going through the program.

Chairman ROKITA. Thank you. Mr. Reed, Ms. Williams, and perhaps you have talked about various agencies that engage one another as they serve the same youth. Talk to me more specifically about how that is coordinated, if there is waste involved, how you manage that coordination when youths are being serviced by more than one program or agency.

Mr. REED. I think it is very important to have a central agency that is coordinating and staying in communication with the other providers. I also think it is important to have—one of the things I have with my staff, my staff sit on key community advisory boards and coalitions to stay in tune with what programming is going on. And on a specific level, I think it is important that we as organizations recognize what our role is, what we are good at, and bring that to the table.

I think it is important in partnerships that you have the decision makers at the table. There is nothing more frustrating when partners come together and folks are not able to follow through or make that commitment.

Chairman ROKITA. Is this something, Mr. Reed, where we should rely on local leadership and leaders being leaders, or is this something that we can legislate here in terms of more impactful overlap or no overlap, however it would work?

Mr. REED. I think anything that could provide incentive on the back end of services from a funding perspective would be a wonderful step.

One of the challenges, I think, for example, if there was some sort of incentive-based opportunity to acquire funding, that would help galvanize and line people up to this work in a way that is not sort of spinning our wheels, that is how it feels, to have something to reach for.

Chairman ROKITA. What does “spinning your wheels” mean? Can you give me an example?

Mr. REED. Sure. I will give you an example. When decision makers are not at the table, let’s say the funding source is something that you receive as a result of a grant, for example. I think organizations need to be held accountable to the commitments they make within those funding proposals.

I feel like when that accountability is not there, that is what I am referring to, it feels like we are spinning our wheels. We are not maximizing the opportunity we have with the gifts and contributions and the grants that we receive. I have been a big proponent of that in our organization.

Chairman ROKITA. Thank you. I have questions for the other two witnesses, but there is no way it is going to happen in 15 seconds. I am going to try to get with you afterwards via email or something, and maybe you can respond back. I appreciate it.

I yield back. Mr. Scott, the ranking member of the committee, you are recognized for 5 minutes.

Mr. SCOTT. Thank you, Mr. Chairman, and thank you for holding this hearing. I think it is important to note that all of the discussion about how we can effectively reduce crime has been focused on prevention, early intervention, and rehabilitation, and not in the after-the-fact, simpleminded slogans in sound bites of how much punishment we can inflict and waste the taxpayers' money.

Ms. Williams, can you explain why it is cost effective to invest in prevention rather than wait until children drop out of school, join a gang, get caught, and then impose draconian sentences after they get caught? Can you say how expensive it is to pay for that strategy when effective prevention and early intervention services can be provided?

Ms. WILLIAMS. Thank you, Representative Scott. Thank you for your leadership over the years. I truly appreciate it.

Yes, you have all heard an ounce of prevention is worth a pound of care, correct? When we look at the cost of serving youth—I call it “earning your way deeper into the system,” because the kids have obviously done things that they have earned their way deeper into the system.

In Colorado, and I think it is going to be similar elsewhere, when youth will earn their way into what is our version of youth commitment, which is adult prison, it can run upwards of \$350 per day per youth, and that includes treatment. It can cost \$2,300 to \$4,800 per case on probation.

When you add up those numbers against the numbers of youth who find their way into our system, it is pretty extreme. And yet, if you are working with a young person, if you are working with a child that you have identified, for example, in school who is starting to struggle, they are starting to not show up, even at a young age, and the schools are able to pull in their multidisciplinary partners, let me tell you, you get people around the table like in a multidisciplinary process, you start talking, and you realize you are overlapping and there are ways that one system can pull out of doing this and fill this other gap, and then you are not wasting funds.

So, working in a multidisciplinary way where you identify these young people as early as possible allows you to get in there and provide services to them, but, more importantly at that point, you are providing services to the families.

When a youth goes into our youth justice system, sometimes people forget they are going to go home, and if we have not addressed those issues that were happening in the home before they came to us, they are not going to be real successful when they go back.

I am very proud in our State because they really focus on family engagement all the way through, but the earlier we do that, the more success we are going to have, because you are not going to have behaviors entrenched. The kids are not going to be starting to think of themselves as a criminal. They are going to see success in developing relationships in their communities that are positive rather than negative. I hope that helps.

Mr. SCOTT. Thank you. You mentioned the Office of Juvenile Justice and Delinquency Prevention and Research. Have you been getting research from them?

Ms. WILLIAMS. To be quite honest, in the past couple months, I have not been looking for it. I am not sure how much they have been able to do. Just as States have suffered reductions in funding, so have they. Like I said, research costs money. I would hope we could all start being able to do more of that.

Mr. SCOTT. Thank you. Judge Cubbon, can you tell me what you can do as a juvenile court judge that a juvenile referred to adult court would not get?

Judge CUBBON. In our State, in order to be tried as an adult, the prosecutor or the State has to show that there is no opportunity for rehabilitation in the juvenile justice system within a finite period of time.

Mr. SCOTT. You have to do that before the transfer?

Judge CUBBON. Yes.

Mr. SCOTT. If they are not transferred, are there services you can provide that the adult court judge cannot do?

Judge CUBBON. Yes.

Mr. SCOTT. There is a thing called a "valid court order" which allows some judges in some States to lock up children who are found in violation of status offenses, offenses that would not even be a crime but for their age.

Does Ohio allow judges to lock up children because of status offenses? And is that process important, to be able to lock up people for status offenses?

Judge CUBBON. As you know, the valid court order exception is a court order that can be used to hold juveniles who are maybe under the jurisdiction of the court for those status offenses that you are talking about.

I am in a jurisdiction where we have actively looked for community responses to assist those children who are unruly children, are status offenders, and do not need to be incarcerated, they do not need to be before the court.

If you can develop a system of well-intentioned, meaningful responses based on their needs, using screening tools and assessment tools to address their issues, then incarcerating them no longer becomes an option, right?

The reality is for a lot of these children, incarcerating these children hurts them. Many of these children are victims of trauma, abuse, neglect, and all sorts of other issues. We are not a mental health institution. We are not a disability institution. We are not respite care for foster parents.

When the community understands that, maybe we can develop some ways to approach—

Chairman ROKITA. The gentleman's time has expired. The ranking member is recognized for closing.

Mr. POLIS. I want to thank the chairman and I want to thank our witnesses for being here today, and for each of your commitments to our Nation's youth.

I think it is clear from today's hearing that progress is being made in many States across the country that is data-driven and science-based.

For example, Ms. Williams, thanks for sharing some of the work you are helping lead in Colorado; Mr. Flannelly, describing some of the innovative approaches in Indiana.

In addition to this progress, we need to do more work to reform and improve our juvenile justice system at the Federal level.

As we heard today, youth that are in the juvenile justice system are predominately male and people of color. I also want to point out that more must be done to protect LGBTQ youth, particularly transgender youth, in a gender-appropriate manner. Studies have also shown that LGBTQ youth are overrepresented in the juvenile justice system and are more vulnerable to discrimination and abuse within the system.

There is also the continued use of dangerous practices, including some that have resulted in death, like restraints and corporal punishment that occur within the juvenile justice system.

The best way to address these issues is at the Federal level through reauthorizing the Juvenile Justice and Delinquency Prevention Act, which has not been reauthorized since 2002. As we heard today, it needs to be updated to keep up with the latest research and best practices for protecting vulnerable youth. It needs to be updated so that funding can be restored to its full authorization levels.

I do want to take this opportunity to point out that funding for the Juvenile Justice and Delinquency Prevention Act has dropped over the past several years, and without a new law, we are not only expecting States to comply with outdated policy, but we are expecting them to do it with less and less funding. That really underscores the need to pass a new law.

In the last Congress, the committee worked in a bipartisan way to mark up and pass the Juvenile Justice and Delinquency Prevention Act reauthorization. We successfully passed the bill on the floor with overwhelming bipartisan support.

I am optimistic we can do that again this Congress. I look forward to working with my Republican and Democratic colleagues to achieve that goal, and I yield back the balance of my time.

Chairman ROKITA. I thank the gentleman. I appreciate the witnesses' testimony as well. I continue to learn a lot. I am grateful for your leadership and the leadership of those you represent across the country that do the work that you do, as Dr. Roe mentioned during his questioning. You are on the front lines and you see this every day, and your leadership is needed and appreciated, first and foremost by me.

To cut through the bureaucracy a little bit, I am going to use my closing remarks to get a couple of questions on the record. You cannot respond, but we will provide you with a transcript if you would like, free of charge, Judge.

Ms. Williams, actually Mr. Scott asked my question or similar to it, and you covered it. I am satisfied there.

To the judge, you mentioned you are the "court of hope," and as a former practitioner sometimes in the juvenile system, I completely agree. My data point is small, it is one court system, and it was probably 13 to 15 years ago now.

Almost every time when I would bring a client through, my goal was to keep them out of the system because, in fact, there was no hope, I felt, when they got in there with other juveniles, and they came out more hardened criminals, in my opinion.

That does not mean we did not want personal responsibility to be upheld. There were lessons to be learned, and I tried to craft pleas that reflected that. Sometimes it worked, and sometimes I was met with—I do not know how to describe it—almost automation, no. And present company excepted, of course, but no, this is the rule, this is how we do it here in this county, whether it was law enforcement or the prosecutor, and that was sometimes disappointing. Again, 15 years ago. I would have hoped that we have learned and got beyond that.

My question would be—Dr. Roe's example is perhaps a good one. His son was made to write 1,000 times as part of his punishment. Do you feel that the judges have that kind of latitude, to craft creative personal responsibility measures as they see fit? Is the discretion there, or do you feel you are actually worried about the ACLU or someone like that jumping in and saying, no, they cannot shovel that person's driveway as part of their punishment, or whatever the creative solution might be? They have to go through this or the county is going to get charged with more money in a lawsuit that has to be defended. So, better to just put them in the system because we know the county cannot get sued that way.

I think you see where I am going with my question. I would appreciate your professional opinion in that regard. Thank you very much.

I appreciate the ranking member's comments about the bipartisan nature of this. I expect the same this Congress. I will say the funding to a large extent was there in the solution we had and it was paid for, the other part of this, because if you come to my personal office and anywhere you go on the Internet, you see that we are \$20 trillion in debt.

And that does not mean our subject today is not a priority. It means that if it is a priority, as it should be, we should be asked to ask ourselves and the country what is less of a priority to pay for this, so we do not give these youth an additional problem, which is going to be 30- to \$50 trillion in debt by the time they are of age. I think that is a reasonable balancing act that we should be performing.

I would like to close my comments by referencing Mr. Reed and his accountability comments, his testimony. I think that is key to all of us. I think if we are truly leaders, as you are, and people you represent, you can find those ways to make that happen.

In fact, we had some accountability reform measures put in as a bipartisan act from last time, and I expect we will see it again.

With that, thank you again, I appreciate the witnesses, and I appreciate the members who stayed and were able to participate today, and I am grateful for the work of this committee from last Congress and what is to be done this Congress.

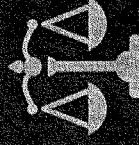
With that, seeing no further business before the committee today, we stand adjourned.

[Additional submission for the record by Mr. Rokita follows:]

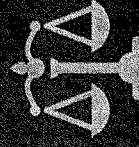
## Fast Facts on Juvenile Justice

More than one million youth are involved in the juvenile justice system.

Youth who have been incarcerated are:



26% less likely to graduate from high school than their peers.



26% more likely to return to jail as adults.

[Questions submitted for the record and their responses follows:]

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March 24, 2017

The Honorable Denise Navarre Cubbon  
 Judge  
 Lucas County Juvenile Division  
 1801 Spielbusch Avenue  
 Toledo, OH 43604

Dear Judge Cubbon:

Thank you, again, for testifying at the February 15, 2017, hearing entitled "Providing Vulnerable Youth the Hope of a Brighter Future Through Juvenile Justice Reform"

As a follow-up, please find enclosed an additional question I asked during my closing remarks at the hearing. Please provide written responses no later than Friday, April 14, 2017, for inclusion in the final hearing record. Responses should be sent to the Education Legislative Assistant, Sheariah Yousefi, who can be contacted at (202) 225-6558.

We appreciate your contribution to the work of the Subcommittee.

Sincerely,

Todd Rokita  
 Chairman  
 Subcommittee on Early Childhood,  
 Elementary, and Secondary Education

Enclosure



**Chairman Rokita (R-IN)**

1. In your professional opinion, do you feel judges have latitude to craft creative personal responsibility measures for juveniles as they see fit? Is there an opportunity for discretion or is there worry the ACLU or another organization might prevent a judge from exercising any discretion they may have?

“Providing Vulnerable Youth the Hope of a Brighter Future Through Juvenile Justice Reform”

Hearing before Subcommittee on Early Childhood, Elementary, and Secondary Education

February 15, 2017

Response to question posed by Chairman Rokita during his closing remarks

Like you, Chairman Rokita and Subcommittee members, I have taken an oath to abide by the Laws and Constitution of our country as well as our respective states. We collectively have our ethical and professional duties and responsibilities to follow as we serve in our respective positions to the best of our ability.

As a Juvenile Court judge, the law requires that I make dispositional orders that provide for “the care, protection, and mental and physical development of the children” while protecting the community’s safety and interest, holding the youth accountable, restoring the victim, and providing interventions and services with rehabilitation of the youth as the goal. And, of course, what is in the best interest of the child is the bedrock for the orders that Juvenile and Family Court judges make in all matters within our respective jurisdictions.

With that said, it is my professional opinion, that the laws as applied in making dispositional orders, direct judges to, using your words, in fact, craft creative responsibility measures for juveniles as we see fit. Today’s judges charged with the responsibility of holding youth accountable, protecting community safety, restoring victims and directing rehabilitative efforts for youth to become productive community members, have the benefit of adolescent brain science, research on child development, the impact of trauma on behavior caused by exposure to violence in the home and community, behavioral health, and related matters in crafting decisions. The use of validated screening and assessment tools provide valuable information for the Court to use to refer families to resources to address their needs. Further, the referral of children and families to evidence-based and data-driven programming and service delivery in light of their particular strengths and needs and being mindful of creating opportunity of all child and families through an equity lens increases the likelihood of successful outcomes.

I must emphasize that federal monetary support to educate judges, court personnel, and service providers in juvenile justice and related topics directly impact our ability to provide meaningful interventions to change lives and support children and families on their journey. In addition, the resources provided by federal agencies to this end must also be acknowledged.

Judges should always be able to have discretion in making orders directed to each child using the tools and resources available to us. As the Subcommittee members and you know, our resolve to follow the law and live up to our responsibility as public servants allow us to make the best decision in the context of the circumstances that we sometimes face. I would submit, by reaching out to our community members with the intention to inform and educate them about what is best for all children, especially our vulnerable children promotes an expectation that change is possible. Further, by forging meaningful

and respective community partnerships to insist that successful outcomes are possible, diminishes the situation of undue pressure when judges are fashioning orders to change behavior and improve the quality of life for children and families.

Again, thank you for the opportunity to testify on such an important matter-Our Children. On a personal note, these conversations give me resolve to continue my work on behalf of all of our children. And, in the end, at the very least, we can give them hope and opportunity for a safe, productive, and happy life.

[Whereupon, at 11:26 a.m., the subcommittee was adjourned.]

