

# JUVENILE JUSTICE REFORM IN THE MODERN ERA

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## HEARING BEFORE THE SUBCOMMITTEE ON CRIME, TERRORISM, HOMELAND SECURITY, AND INVESTIGATIONS OF THE COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES ONE HUNDRED FIFTEENTH CONGRESS FIRST SESSION

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# CONTENTS

JUNE 22, 2017

## OPENING STATEMENTS

	Page
The Honorable Louie Gohmert, Texas, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations; Committee on the Judiciary .....	
The Honorable Bob Goodlatte, Virginia, Chairman, Committee on the Judiciary .....	1
The Honorable John Conyers, Jr., Michigan, Ranking Member, Committee on the Judiciary .....	6

## WITNESSES

Mr. Alan Hanson, Acting Assistant Attorney General, Office of Justice Grant Programs, Department of Justice .....	
Oral Statement .....	
Mr. Joe Vignati, Assistant Commissioner and Chief of Staff, Georgia Department of Juvenile Justice .....	
Oral Statement .....	7
Mr. Devon McDonald, Chief of Staff and General Counsel, Indiana Criminal Justice Institute .....	
Oral Statement .....	9
Mr. Jim SaintGermain, Co-Founder, Preparing Leaders of Tomorrow Oral Statement .....	11
Ms. Liz Ryan, President & CEO, Youth First Oral Statement .....	13



## JUVENILE JUSTICE REFORM IN THE MODERN ERA

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THURSDAY, JUNE 22, 2017

HOUSE OF REPRESENTATIVES  
SUBCOMMITTEE ON CRIME, TERRORISM, HOMELAND  
SECURITY, AND INVESTIGATIONS

COMMITTEE ON THE JUDICIARY

*Washington, DC*

The subcommittee met, pursuant to call, at 10:10 a.m., in Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte [chairman of the committee] presiding.

Present: Representatives Goodlatte, Gohmert, Chabot, Ratcliffe, Roby, Gowdy, Jackson Lee, Conyers, Deutch, Bass, Jeffries, and Lieu.

Staff Present: Anthony Angeli, Counsel; Scott Johnson, Clerk; Joe Graupensperger, Minority Chief Counsel, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations; Veronica Eligan, Minority Professional Staff Member; Mauri Gray, Minority Crime Detailee; and Monalisa Dugue, Minority Deputy Chief Counsel for Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.

Chairman GOODLATTE. Good morning. The Subcommittee on Crime, Terrorism, Homeland Security, and Investigations will come to order. And without objection, the chair is authorized to declare recesses of the subcommittee at any time. And we welcome everyone to today's hearing on juvenile justice reform in the modern era. And I will now recognize myself for an opening statement.

Throughout history, societies have struggled to establish appropriate ways to deal with juvenile offenders. Punitive measures for juvenile offenders and provision of care for juvenile delinquents is discussed in the code of Hammurabi, the Talmud, and Rome's 12 Tables. Today we recognize that societies must aim for juvenile justice systems that protect public safety, hold justice involved youth appropriately accountable, and provide treatment and rehabilitative services tailored to the needs of youth and their families. We can all agree that juvenile offenders must be treated differently than adult offenders.

Congress recognized this fact in 1974 when it passed the Juvenile Justice and Delinquency Act. This legislation and its progeny have established core requirements for States in building their juvenile justice systems. It induces States to deinstitutionalize status

offenders prevent youth from being detained with adult offenders, and address disproportionate minority contact with the juvenile justice system. There are very few juveniles in custody in the Federal system.

In fact, there are approximately 30. Most are there because they have been charged as adults in Washington, D.C., or on tribal lands. According to the Department of Justice, these juveniles tend to be older, generally between 17 and 20 years of age, are typically sentenced for sex-related offenses, and have typically committed violent offenses and have a history of responding to interventions and preventative measures in the community unfavorably. They are sentenced by the Federal courts to the custody of the Federal Bureau of Prisons as a last resort.

Conversely, at the State level on any given day there are around 50,000 juveniles in residential facilities. Juveniles 12-years-old or younger comprise 1 percent of the detained juvenile population, while 17-year-old juveniles comprise about a third of the juvenile population. Due to the fact that nearly all juveniles in the criminal justice system are State level offenders, federalism plays an important role in improving juvenile justice. It has allowed States to try out various initiatives and see what is effective and what is not. Indeed, I am glad to see States exploring ways to reduce recidivism and improve youth outcomes by using evidence-based and evidenced-informed programs, practices, and policies.

I am pleased to welcome Mr. Vignati from Georgia, and Mr. McDonald from Indiana to today's hearing. Georgia and Indiana are at the forefront of juvenile justice reform and have implemented numerous programs to help reduce recidivism and rehabilitate youths. I am particularly impressed by their commitment to using risk assessment instruments in lowering the number of juveniles in residential facilities and their efforts to assure all juveniles in secure facilities have access to education through the school districts where the facility is located. I look forward to hearing more about these initiatives and others that have been successful.

Even though State systems and the Federal systems are distinct, I have always maintained that the States are laboratories of democracy and they can show the national government what works and what does not. And more importantly, what reforms can be accomplished without endangering public safety. As you know, in the 114th Congress, this committee led the way in the formulation of criminal justice reform legislation. We plan to continue that effort in this Congress. So, I want to thank all of you for being here today. I will introduce all of the witnesses in a moment. But first, I want to hear from the ranking member of this subcommittee, the gentlewoman from Texas, Sheila Jackson Lee, who has been a champion for juvenile justice for as long as I have known her. And welcome.

Ms. JACKSON LEE. Mr. Chairman, thank you very much. I want the audience to know that we feel very important today because we have the chairman of the full committee and the ranking member of the full committee at the criminal justice committee. So, I know that the chairman will ask us not to applaud, but I am going to applaud because I am very happy for them to be here. We thank you very much.

There we go. And I think the point is, is that this is a very important hearing today. And I thank the chairman and the ranking member for their courtesies. All of those who are gathered, thank you for your interest. I know that there are many in the audience that have spent their lives work helping us on juvenile justice reform.

And Jenny Collier, I want to thank her for her longstanding work that she has engaged in and the organization Campaign for Youth Justice for the work that they have done and the work that they will continue to do. I want to acknowledge the members that are here and particularly our members are coming, but I want to acknowledge Congresswoman Karen Bass, who has a longstanding history in youth justice issues particularly youth in foster care. And Hakeem Jeffries from New York, who has also had a very esteemed record in dealing with criminal justice reform. And I want to thank our other members who are en route, Mr. Raskin and Mr. Richmond, and others who are en route. Again, thank you again for the hearing on this important issue of juvenile justice reform in the modern era.

I very much look forward to working with my colleagues on both sides of the aisle to move forward meaningfully as we tackle the challenges faced in our juvenile justice system and welcome this opportunity to hear from each of you as experts this morning. I would like to thank our witnesses, Ms. Liz Ryan, President and CEO of Youth First, who has a storied history in reform, and I look forward to her testimony on the major savings that have come about by doing the right thing.

Mr. Jim SaintGermain, who I was enormously impressed with as I walked in this morning, co-founder of Preparing Leaders of Tomorrow, he has lived the system and will be able to tell us first hand of his experiences. Mr. Joe Vignati, who represents major changes in the State of Georgia. And he will testify to their impact. Mr. Devon McDonald, the same in Indiana. And he will testify to their impact. I think the good news is these are Democrats and Republicans.

Thank you all for your willingness to be here and to help enlighten members of Congress on what is happening at the ground level both good and bad.

I want to dedicate this hearing to Kalief Browder who learned how to commit suicide, according to this article, on Rikers Island. On June 6th, 2015, Kalief Browder took his own life at his home in the Bronx. He was 22 years old. He had been released from Rikers Island adult institution even though he was allegedly segregated 2 years earlier ending an ordeal that had begun on a spring night in 2010 when he had been arrested for robbery at 16. He spent the next 3 years in jail trying to prove his innocence and would not commit or acknowledge guilt. He said he was innocent.

For, as I understand the fact, the individual with the backpack that he was supposed to have stolen was out of the country at the time of the incident. For about 2 of those years he was held in solitary confinement where he attempted to commit suicide several times. The charges against him were eventually dropped. And by the way, it took a long time for him to get counsel. And of course, the story goes on to tell his story. This is a tragedy.

As a ranking member of the crime subcommittee, I am committed to finding ways to work collaboratively with the chairman, my colleagues, and experts like yourselves in order to move forward effectively on juvenile justice reform. I am pleased to say that the subcommittee understands the importance of juvenile justice reform, and this hearing is indicative of the bipartisan desire to address the most vulnerable segment of our society: juveniles.

While some may feel that the Federal Government should leave reform measures to the State, I believe that there is but one child in the Federal system, and that is one too many if there is one child. But more importantly, I believe that collaboration between the Federal Government and State government is an important statement of what America believes in and that we will help other States that have not yet moved to that position. There is a unique distinction between juveniles and adult offenders. Trends in the States and the information presented in this hearing will inform efforts to reform the prosecution and incarceration of juveniles at the Federal level, but making a statement for those who are dealing with children, if I might use that terminology, all over the Nation.

Our children need us. We are losing them in great numbers either to the streets, gang violence, to our justice system, or, tragically, by death. It is time for all of us to wake up and say, "No more." No to the policies that are robbing them of their youth by throwing them away into the adult penal institutions. No to the policies that look to cut essential funding as proposed in the President's 2018 budget, and that have proven over the years to the profound impacts on juveniles. We should all collaborate on what is good. The numbers that I have heard are maybe in the millions and billions that one can save across the Nation if our States will all collectively realize these are our children. We must not allow cuts or elimination of youth programs, as this will exacerbate the problems we are trying mightily to remedy through reform.

I was a member of the city council when this Congress passed midnight basketball. I know there was a lot of humor in that by some. I also know that as things change, elections change, there was a rush to get rid of midnight basketball. But I am a city council member, and I want to testify to you that we use midnight basketball in Houston, Texas. And I would go to the parks as I insisted to the parks and recreation, "Take advantage of midnight basketball." And I would meet gang leaders there playing basketball and, as well, doing homework in the parks that were open till a little after midnight in Houston, Texas with the midnight basketball funds.

Currently, the President's budget proposals cuts in the beginning that will adversely impact youth and further deplete equal access to proper health, adequate workforce justice, and solid education. Elimination or cuts of these programs will further contribute to the disproportionate treatment of juveniles and issue at heart of the juvenile justice crisis. This goes on for Health and Human Services, et cetera, AmeriCorps; \$700 million reduction may impact the Office of Juvenile Justice and Delinquency Prevention, which is so much a part of the work that we do in the Judiciary Committee. It must be noted that the Juvenile Justice and Delinquency Prevention Act, which is an underpinning of that agency, has not been



reauthorized in more than a decade. I look forward to working with the chairman on reauthorizing as he has done with the ranking member, the juvenile block grant programs, which will enhance the safety of our youth and our legislation adds a component of bullying prevention and intervention.

We need to capture the moment to see how we can save our youth and work on the childhood errors. We must address the disparity in treatment as well documented by the Juvenile Justice and Delinquency Coalition in its recent report, and be honest when we look at the national data. While there are varying degrees of concern for multiple aspects of our juvenile justice system, the racial disparity is particularly alarming. The cases brought against black youth were three to four times higher than their white, Hispanic, and American Indian counterparts and nine to 16 times higher than the rates for Asian youth.

In 2014, white youth made up 56 percent of the U.S. population under juvenile court jurisdiction, but black youth meanwhile, were at numbers higher than that. Although white youth represent the largest share of the delinquent caseload with their respective representation to the incarcerated population declining, black and Hispanic represented a higher number in the incarcerated population.

So, we need to use these facts and these science to make sure that we do what is right for our children. We have overwhelming support from many organizations to move forward. As I indicated, I think that this is a bipartisan effort. And as we spend so much money to lock up our young people, let's spend a lot of money to invest in our young people. This juvenile justice system was created in 1899 in Chicago on the basis of separating youth from the adult criminal justice space. Sometimes this has not happened in our current system. Therefore, we want to do better. The Supreme Court last year ruled that a 2012 precedent banning mandatory sentences of life without parole for juvenile killers must be applied retroactively due to reliable scientific evidence that shows the human brain does not reach full implementation until the '20s.

So, thank you so very much, Mr. Chairman, for ensuring that we can move forward. I want to just conclude by saying I indicated I was dedicating this to Kalief Browder. None of us lived his life. None of us were incarcerated in Rikers Island that are sitting here on this panel for a period of our life. How would anyone imagine what that felt like at 16 years old? What do we know that Kalief could have been? A loving son to his mom who has passed away? A brother to his siblings and a great leader in the city of New York. My heart pains for him and the millions of other children that face this.

And so, I want to say to the attorney general, his recent memo that takes away prosecutorial discretion from persecutors and his recent announcement to provide additional Federal manpower to 12 States, we must give serious attention to what impact that may have on juvenile justice reform in the modern era. I look forward to hearing the witnesses. Mr. Chairman, thank you so very much for yielding and I yield back.

Chairman GOODLATTE. Thank you very much, Ms. Jackson Lee. As the ranking member of the subcommittee noted, the ranking member of the full committee is also with us today. The gentleman

from Michigan, Mr. Conyers, who has been a leader in criminal justice reform including juvenile justice reform. And I now recognize him for his opening statement.

Mr. CONYERS. Thank you very much, Chairman Goodlatte. Top of the morning to all of you. I want to thank the chairman and the former subcommittee chairman, Trey Gowdy, for working with our distinguished Texas colleague Sheila Jackson Lee, the ranking member, and me, to schedule this important hearing. It is important for all the reasons that have been stated so far.

All of us, public officials, community leaders, and parents, have a special duty to do all we can to provide every opportunity for our children and young people to start their lives in environments that enhance their chances of living healthy and productive lives. And all young people need encouragement and proper guidance as they begin to make increasingly consequential choices that impact themselves and others. Unfortunately, sometimes young people violate our laws and we must continue to examine the appropriate ways to respond, both in terms of accountability and helping them get back on track. As we examine these very issues in this hearing today and determine the role we should play in developing related policy in the future, we should keep several considerations in mind.

First, advances in brain science and technology are helping us better understand how the adolescent brain functions. We now know that young people's brains continue to mature until early- to mid-20s. And adolescent's brains are different from adult's brains both structurally and in how they are influenced by chemicals produced by the body. Child brain development experts have concluded, as a result of their studies, that adolescents are less culpable than typical adults because of their diminished-decision making capacity. And critically, behavioral and brain development research shows that children who commit crimes are more likely to reform their behavior and have a better chance at rehabilitation than adults. Secondly, the good news is that much of the recent experience with respect to juvenile justice reform in the State confirms that what the science is telling us: that evidence-based strategies to reduce overall reliance on confinement and residential commitment for juveniles actually leads to improve public safety.

Now, as a result juveniles in this country are, according to the Pew Center research, much less likely to be arrested for violent crime and committed to State custody than they were 15 years ago. During that period, the juvenile violent crime arrest rate fell 46 percent. The States are experimenting with reforms that are working. And I hope that we continue and increase our support of these efforts.

Finally, as we examine strategies to intervene when juveniles violate the law, we must also do more to prevent these violations from occurring in the first place. There are a range of programs that we must not abandon, which include proper physical and mental health care, nutritional assistance, early childhood education, and giving young people better options for after school and free time activities. In fact, we must pursue comprehensive community-driven and evidence-based prevention initiatives through legislation such as the Youth Promise Act. We know what works and we must empower more communities to put research into practice.

And so, I hope this hearing begins a constructive and bipartisan discussion of these issues.

And so, again, I thank not only the Chairman Goodlatte, but especially my colleague Sheila Jackson Lee. Thank you, Mr. Chairman.

Mr. CHABOT [presiding]. Thank you. The gentleman yields back and, without objection, other members' opening statements will be made a part of the record.

And we have a very distinguished panel today. We will begin by swearing in our witnesses before introducing them. So, if you will all stand and raise your right hands please. Do you swear that the testimony that you are about to give before this committee is the truth, the whole truth, and nothing but the truth so help you God? Thank you. Let the record reflect that all the witnesses responded in the affirmative, and you may all be seated.

And now, introducing our witnesses, our first witness is Joe Vignati, who is the Assistant Commissioner and Chief of Staff of the Georgia Department of Juvenile Justice. Our second witness is Devon McDonald, who is the Chief of Staff and general counsel of the Indiana Criminal Justice Institute. Our third witness is Mr. Jim SaintGermain, who is the co-founder of the organization Preparing Leaders of Tomorrow. And our fourth and final witness will be Ms. Liz Ryan, who is the President and CEO of Youth First.

And each of the witnesses written statements will be entered into the record in its entirety. I would ask that each witness summarize his or her testimony in 5 minutes or less. To help you stay within that time, there is a timing light in front of you. The green light will be on for 4 minutes. The yellow light will come on and let you know you got about a minute to wrap up, and then the red light will come on to let you know that your time is up. And we would appreciate it if you would stay within that as much as possible. We now would like to recognize our first witness, Mr. Vignati, you are recognized for 5 minutes. And if you could all remember, everybody forgets this, but if you could hit the button to turn on the mic there. Everybody forgets, as I say, so it is no big deal.

Mr. VIGNATI. Thank you, sir.

Mr. CHABOT. Thank you.

**STATEMENTS OF JOE VIGNATI, ASSISTANT COMMISSIONER AND CHIEF OF STAFF, GEORGIA DEPARTMENT OF JUVENILE JUSTICE; DEVON McDONALD, CHIEF OF STAFF AND GENERAL COUNSEL, INDIANA CRIMINAL JUSTICE INSTITUTE; JIM SAINTGERMAIN, CO-FOUNDER, PREPARING LEADERS OF TOMORROW; AND LIZ RYAN, PRESIDENT AND CEO, YOUTH FIRST**

#### **STATEMENT OF JOE VIGNATI**

Mr. VIGNATI. Good morning, Mr. Chair, and esteemed members of the judiciary subcommittee. Thank you for inviting me to testify today about juvenile justice. My name is Joe Vignati, and this past February marked my 30th year working in juvenile justice in Georgia. I am not going to be able to condense all of my experience over the last 30 years in 5 minutes, so I will give you the brief high-

lights. And I will kind of gloss over some of the mistakes I have made.

During the past three decades, I have had the good fortune to be able to grow and adopt a commonsense approach in the care for our youth, all the while protecting public safety and decreasing crime. In much the same way, over that same time period, research has caught up and we now better understand what works in juvenile justice. In my testimony today, I would like to provide a picture of what we now know and where the field of juvenile justice is headed and what Georgia has learned during its juvenile reform over the past 4 years.

Number one. An overwhelming majority of youth in the U.S. do not commit delinquent offenses. In 2013, only 3 percent of all youth at risk in the United States were referred to juvenile court for delinquent offense. This means that over 96 percent of our youth are not involved in the juvenile justice system. For community, school, and law enforcement, it is important to recognize that most of our youth are better served outside the court system and focus on alternative methods to address adolescent behavior. Number two. The number of youth brought to juvenile court for violent offenses is very, very small.

In 2013, only 4 percent of all delinquency cases in the U.S. were petitioned to court for a violent offense. This means that 96 percent of the youth involved in juvenile court are there for less serious offenses. Appropriate interventions are no doubt required. However, how we approach and serve these youth should be based in response to their risk and need and not misperceptions about juvenile crime.

Principles of effective intervention and for delinquency: risk, need, responsivity. When I began my work in the field in 1987, there was not much understanding of what worked in juvenile justice. As a result, most of our business was modeled on adult corrections. As you can imagine, youth are dramatically different than adults both developmentally and in their level of responsibility. So, this approach had wildly different success rates. Fortunately, the research in the field has improved over the years and we now have a more targeted approach to youth based on those principles. The most effective interventions have been shown to be behavioral and the good ones are based on research. These are known as cognitive behavioral interventions. Research has shown the programs that I am about to list are to be most effective to engage families and their youth: multisystemic therapy, functional family therapy, Thinking for a Change, aggression replacement training, Seven Challenges. We now know that these interventions are typically more successful for youth and reduce recidivism at rates far better than similarly situated youth who do not receive these services and are securely confined.

So, how do we refocus our efforts to intervene appropriately with the youth before us? I will try now to share how we address some of these issues in Georgia in the hopes that the lessons we have learned are instructive. Under the leadership of our Governor, Nathan Deal, our general assembly, and commissioner, Avery Niles, we have been reforming our juvenile system over the past 4 years. Starting in 2012 with the formation of the Governor's Special

Council on Criminal Reform, we looked at our juvenile justice system. We discovered that nearly 2/3 of our \$300 million budget was being used to operate out of home placements. The cost of those placements were approximately \$90,000 per year per bed. Twenty percent of those youth in those placements were placed for low-level misdemeanor status offenses. Forty percent of those youth were assessed low risk to re-offend. In summation, our State's over-reliance on secure detention for juveniles was a poor use of resources and a poor return on State tax dollars.

So, what did we do? We reformed our juvenile system. We reformed our juvenile code. And we focused on population. We only are now securely confining youth that are medium- or high-risk. We are putting our dollars behind evidence based programs and practices. We have shifted from institutional funding to community services. Prior to reform, our system was using only one gear, the detention gear. Just like a bicycle needs different gears to work effectively and efficiently, Georgia is now rolling forward with all its gear.

Mr. CHABOT. Thank you very much. I appreciate that. Mr. McDonald, you are recognized for 5 minutes.

#### **STATEMENT OF DEVON McDONALD**

Mr. McDONALD. Thank you, Mr. Chair, the members of the committee, thank you very much for having us here today. I am delighted to take this opportunity to highlight some of the great things that Indiana is doing to help reform the juvenile justice system. Like many other States—

Mr. CHABOT. Could you pull the mic just a little closer there, please?

Mr. McDONALD. Sure. Thanks. Like most States across the Nation, Indiana, over the past decade, has taken a lot of steps to help reform and define our juvenile justice system. So, I would like to just take a minute to highlight a few of our multigovernmental branch approaches to our juvenile justice issues in the State of Indiana.

In 2015, our general assembly, which is our State legislature, passed, and then Governor Pence signed into law what we consider called dual status children. Dual status children in Indiana are children who are identified as a CHINS case, or a Child In Need of Services, as well as a juvenile that has come in contact with the juvenile justice system. Part of the process or part of establishing this law was recognizing that a delinquent act, though may have been committed, but what are the other social or societal factors that helped or were contributory factor in that potential act to the alleged act that took place? And so, these children are receiving this status. It is a collaborative approach between our Department of Child Services case workers, probation, courts, and corrections on how to more closely assess the child through risk assessments, mental health assessments, and make sure this child is either potentially diverted from the system in entirety, or receives the types of services that are greatly needed to help treat the individual themselves.

So, that is proving to be, although it is still in its infancy, somewhat successful. Another great thing that Indiana is doing right

now is the implementation of what we call the IYAS, which is the Indiana Youth Assessment System. And the MYSI 2 screen. The MYSI 2 screening is the Massachusetts Youth Screening Instrument, and it is the second version that we are using, as implemented in about 20 counties, which incorporates a large majority of our juveniles in a juvenile facility. All of these individuals receive the MYSI 2 or the IYAS depending on the situation and then are treated accordingly either through sentencing, adjudication, probation, or they receive mental health or substance abuse treatment if substance abuse is identified as a key indicator or a key problem for that particular child.

Within our Department of Corrections, we have what is called our Division of Youth Services. Our Division of Youth Services also has a multitude of programs. These are quite spelled out in my testimony. But a couple of the programs I would like to highlight that our DYS is operating are both what is considered evidence based programs or programs that have been peer reviewed and proven to be effective through evidence.

The first one is moral recognition therapy. It is a recidivism reduction therapy. Again, it is cognitive-based. It deals with increasing moral reasoning with a child. We also have what is called dialectical behavioral therapy, which again, is a behavioral-based therapy that focuses on chronic issues of frustration, tolerance, anger management, can help a young person deal with emotions that they may be feeling. As been alluded to, brain science has proven or shown that juveniles sometimes are more impulsive or reactionary in their responses based on their inability to kind of process through a certain situation.

One of the greatest things that Indiana has done over the last 10 years is we have adopted what we call the Juvenile Detention Alternatives Initiative, or JDAI for short. JDAI is implemented in 92 counties, which is about 1/3 of our counties, but encompasses approximately 70 percent of our juvenile population. So, it is a huge footprint. JDAI has been adopted by the courts, the prosecutors. It is very much a local collaborative effort. It has led to about a 53 percent reduction in admissions to secured detention, a 41 percent reduction in average daily population in secured detention. Again, a 47 percent reduction felony petitions filed, which has a huge public safety impact, and a 42 percent in reduction to our commitments to our DOC.

Programs that my particular agency has funded that have been great and we are very excited are, one, we have helped expand the dialectical behavioral therapy and some of our DYS facilities. We have also implemented a training called Policing the Team Brain that is implemented in one of our largest law enforcement agencies. And then, as well as one of our statewide law enforcement categories. So, new recruits going through these academies receive this training. The training is related to how law enforcement can respond to juveniles on the street. So, we are hoping that has great impacts on the future. We are also developing several family and mental health. Teen drug courts or family therapy courts help surround the child or child that is alleged to be delinquent or a in a situation.

So, some of those are some of the very high-level view of some of those are some of the very high-level view of some of the great things that Indiana is doing. Again, thank you for this opportunity and we really appreciate it.

Mr. CHABOT. Thank you very much. Mr. SaintGermain, you are recognized for 5 minutes.

#### STATEMENT OF JIM SAINTGERMAIN

Mr. SAINTGERMAIN. Thank you, Mr. Chairman. Thank you to the esteemed members of this subcommittee for having me. It is an honor to be here.

My presence in this room is one that I have cherished very much because of the struggles and the stories that I have experienced as a young man growing up. I was born in Haiti. It is a beautiful small island. It is about 3 hours away from here. But growing up in Haiti, my father and my family struggled a lot. My father was addicted to drugs and alcohol, and he was unemployed for most of his life. So, as a child in Haiti, I had to fend for myself and roam the streets and find a way to survive. Luckily for us, by the age of 10, I was granted an opportunity to move to the United States where I moved to Brooklyn, New York. And prior to moving to the United States, my vision of what this country would look like was solely from the movie Home Alone with Kevin.

I thought that I would move here and my family would have a beautiful house and green grass and neighbors would be at our doors waiting and welcoming us to this country. And our life would be extremely better for us than it was in Haiti. But, unfortunately, my reality when I moved to this country was the total opposite. I moved into a neighborhood, at the time, who was drug infested. A lot of crime, a lot of violence, a lot of broken homes and dysfunctional schools. And as a young man, which some of the panelists have talked about earlier, my brain was not developed enough to adapt to such circumstances the right way. So, as a way of trying to assimilate into that culture, I fell into a life of crime at a very young age. And it started out by just me skipping school, smoking, and drinking with friends and just trying to be down. And, unfortunately, it led down to bigger issues including me hustling and dealing drugs at a very young age.

Approximately when I was about 15, I had multiple encounters with law enforcement officials. And by the time I was going back and forth to court, my judge at the time, Mary Donahue, she realized that I needed some intervention. So, she sentenced me to a year in the juvenile justice system. I was very fortunate, though, while in the juvenile justice system I was placed in a facility on the program where some of those services some of the panelists have acknowledged earlier were available to me. So, I received mental health services. I received a pretty decent education. I had staff members and role models who cared about my wellbeing who invested in me. I have had other folks, mentors throughout this community and where I am from in the juvenile justice system, who realize that I had potentials and who fought for me to be in the position that I am in today.

But the reality is for most young people, that is not the case. So, I want to make it very clear that I was the exception, not the norm.

Fortunately for me, going through the system, I was able to move forward and I graduated high school. I got my GED, and I moved on to college where I majored in human services at the Borough of Manhattan Community College. Then I went on to John Jay College where I majored in political science, and I received a BA from John Jay College. Thereafter, I moved on to grad school at NYU where I majored in public administration.

Unfortunately, I had to stop my grad school experiences due to financial reasons. But then, I went back to the juvenile justice system and work in the same facility that I was in as a young man. And what I encountered while working as a practitioner and as a youth care worker was the total opposite again of what I experienced.

So, the young people were coming in younger. They were coming in with more traumas and more issues and things that the system was not ready to deal with. And a lot of these young people, unfortunately, fell through the crack and they continued down the wrong path. Experiences such as experiences that Mr. Kalief Browder had, who I have had great opportunity to work with his brother, Akeem Browder, to change some of the policies, some of the draconian policies in New York City that were incarcerating young people and pushing them through a system where they were being abused physically, abused mentally. They were not receiving the help and the services, which I received in Rikers Island. And Kalief Browder, unfortunately, ended up taking his life. His story was a stark contrast to mine, but the only difference between Kalief and I is I was 4 months younger than him.

But our brain development, the experiences we have had, the neighborhoods we grew up in were exactly the same. But I received the services, which Kalief did not get a chance to get. So, I believe that as a Nation, to steal a quote from Nelson Mandela, "You can only measure a Nation's greatness by how well it treats its most vulnerable children." So, as a Nation, I am asking this committee and Congress to invest in our young people and provide the same services and the help, which they have had. Again, since my time in the system, I have co-founded a nonprofit organization that provides services and help to young people. I have been appointed to the Juvenile Justice Council by the former President. I have had opportunities to work with numerous elected officials from all over the country, and most importantly, I am a father of a 4-year-old son who means the world to me.

So, my passion for public service and the work I do now comes directly from my experiences, but simply from the fact that I also want to provide an opportunity for my son and all children who are growing up in certain neighborhoods and circumstances in which they did not have an option in terms of what to choose, what economic status which they grew up in and some of the troubling things that were presented to them. And, in addition to my experiences, I have had an amazing opportunity to actually write a book, which will be published soon on July 4th. Unfortunately, I do not have too many copies, but I brought a few copies for some of you guys on the panel today.

So, thank you guys for hearing me and I really appreciate it.



Mr. CHABOT. Thank you. For the record, what is the name of the book?

Mr. SAINTGERMAIN. It is A Stone of Hope, and the title came from me reflecting at the Dr. King monument, which is not too far from here. That is where the title of the book came from. It is an amazing story and I hope you guys get a chance.

Mr. CHABOT. Could you repeat it one more time?

Mr. SAINTGERMAIN. A Stone of Hope. "Out of a mountain of despair, a stone of hope."

Mr. CHABOT. Thank you very much.

Mr. SAINTGERMAIN. Thank you, Mr. Chairman.

Mr. CHABOT. Your testimony is, I think, particularly important for us to hear today. So, thank you.

Mr. SAINTGERMAIN. Thank you.

Mr. CHABOT. Ms. Ryan, you are recognized for 5 minutes.

#### STATEMENT OF LIZ RYAN

Ms. RYAN. Thank you for providing me the opportunity to testify today. My name is Liz Ryan, and I am the President and CEO of the Youth First initiative. We are a national effort to end the use of incarceration for young people and redirect resources to community-based alternatives.

Mr. CHABOT. Yeah, if I could ask you if you could pull that close. It is a little hard to hear in the back and so we appreciate it.

Ms. RYAN. Is that better?

Mr. CHABOT. That is much better.

Ms. RYAN. Should I start over?

Mr. CHABOT. Yes. And we will start the clock over.

Ms. RYAN. Okay. Thank you, Mr. Chairman, for providing me the opportunity to talk today before this committee. My name is Liz Ryan, and I am the President and CEO of the Youth First initiative. It is a national effort to end the use of incarceration for young people and to redirect resources to community based alternatives to incarceration. In my testimony, I will talk about the problems of youth incarceration, State trends that move away from incarcerating youth, and the opportunity to advance reforms in more States.

Incarcerating youth is not safe, is not fair, and does not work. On any given day there are 50,000 young people confined in the United States in the juvenile justice system and not a week goes by without a newspaper citing abuse of incarcerated youth. In the past month alone, we have heard about a young person who died in a correctional facility in Texas. We have learned about allegations of abuse in an Arkansas juvenile correctional facility, litigation was filed this month against the New Jersey Juvenile Justice Commission over the sexual abuse of a formerly incarcerated youth, and today, as we hold this hearing here, there is a hearing in Wisconsin about the abuses at Lincoln Hills, the Nation's largest youth prison.

Incarcerating youth also is not fair as it disproportionately impacts young people of color even though white youth and young people of color commit roughly the same levels of delinquent behavior. And those facts are undermined by a false impression that youth of color commit more crime than white youth. That simply

is not true. Youth of color and white youth engage in the same level of delinquency. And incarcerating youth simply does not work. Research shows that incarcerating youth greatly increases the likelihood that youth will reoffend and it is a significant predictor of entrance into the adult criminal justice system.

It is also very costly. States spend the largest chunk of their juvenile justice resources on incarceration in youth prisons and other confinement settings at an estimated amount of about \$5 billion a year. By contrast, community based alternatives to incarceration, some of which you hear about this morning, could more effectively serve youth at substantially less cost. The bottom line here is that States have been spending the largest chunk of their juvenile justice resources on the strategy that consistently produces the worst outcomes for youth, their families, and communities. The good news is that States are moving away from this approach. In the last decade, a number of States have enacted reforms to reduce their reliance on incarceration. These efforts have been bipartisan, they have been enacted in all regions of the country, and States have produced very impressive results. Youth incarceration has been cut in half in the last decade and is now at a 40-year low.

We recently released a report called *Breaking Down the Walls* showcasing reforms in Texas, California, New York, Mississippi, Louisiana, and the District of Columbia. In all these States, they substantially reduced their reliance on incarceration without compromising public safety. For example, in Texas, youth incarcerated in State facilities were shown to be 21 percent more likely to be re-arrested and three times more likely to commit a felony than youth under community supervision. Texas enacted reforms to address this by reducing the number of incarcerated youth by more than 60 percent. And they expanded community-based alternatives to incarceration. More recently, States such as Kansas, Connecticut, Virginia, and Georgia to name a few, and Utah, have taken the lead on this. For example, Kansas enacted comprehensive reform legislation SB 367 last year and as a result, the youth incarceration population dropped 40 percent. And Kansas has now closed the Larned youth prison.

In Virginia, the Governor and the Department of Juvenile Justice created a plan to transform the juvenile justice system and the General Assembly approved budget language in 2016 that directs resources from youth prison closures to community-based alternatives to incarceration. The Department of Juvenile Justice there is creating an array of services for youth in the community, and they are closing the Beaumont Juvenile Correction facility by the end of this month. And Beaumont has been there since 1890.

So, right now we have a unique opportunity to accelerate these kinds of reforms throughout the rest of the country. The research underscores this as does the public opinion polling. Public opinion polling that we conducted earlier this year shows that the public strongly supports rehabilitation over incarceration across the country, across race, ethnicity, gender, and geography. And also there is strong support for reform whether or not you have been impacted by an incarceration, you have been a crime survivor. So, it is across the board there is strong support.

So, I would like to close with a couple of recommendations. One is Congress can accelerate these reforms in the States by providing incentives for States to reduce the use of incarceration by helping them downsize, close, and repurpose youth prisons. Congress can provide incentives for States to shift their focus away from incarceration to evidence informed community based non-residential alternatives to incarceration. And finally, you can pass the Juvenile Justice and Delinquency and Prevention Act and make sure it is fully funded. And I understand you already passed the reauthorization this year in the House. So, these recommendations would help States reduce their over reliance on incarceration while, at the same time, increasing public safety. Ultimately, they would contribute to reduce State spending on ineffective solutions and reduced Federal prison spending. Thank you for your interest.

Mr. CHABOT. Thank you very much. And I will recognize myself for 5 minutes. We each get 5 minutes to ask questions.

I will start with you, Mr. SaintGermain, if I can. What would you recommend that we do to reach young people who are at risk in falling into that crime and drugs and things that you said happened early on, but then ultimately it worked for you? You know, thank goodness it did and, you know, now you are obviously a very productive member of society and helping others to avoid the trap that you fell into. What would you recommend we do to have more people move in your direction and not go the wrong way?

Mr. SAINTGERMAIN. Thank you, Mr. Chairman, for your question. What I would say is that I have, in my young 28 years on this Earth, I have never met a young person who wanted to do bad. I have met young people who have adapted to the circumstances. So, most young people I know, and I believe, is they are given opportunities, right? Because a lot of the things we are referring to here, some of the issues young people face, the bedrock is poverty. And a lot of them are growing up in neighborhoods where there are not too many opportunities available to them. So, jobs are scarce, the educational system is dysfunctional and certainly in some of these communities. Some of these young people have folks in their lives themselves who are going through the system, who are not currently involved in their lives due to mass incarceration. Some of them are just basically trying to survive on a regular basis.

So, I believe that any young person, regardless of which region of the country they come from, the ethnicity or background or gender, if they are put in certain circumstances where they have to survive, young people will survive by means necessary. So, some of the things I believe Congress can do and this committee can do is to fund and incentivize some of the programs that we know work for young people, which we have talked about here on this panel already.

So, providing better educational opportunities for young people, investing in mental health, providing vocational training, giving them opportunities prior to entering the system allowing them to grow and make mistakes. And if they do enter the system, then still provide the rehabilitative measures which they need to propel and move forward and succeed out of some of the circumstances they are dealing with.

So I think, again, some of those things are common things that you want for your family, and every member of this committee wanted for their family, is a safe home, a job where you can provide for your kids, schools that will educate these young people rather than pushing them through the school to prison pipeline. And I believe that if we provide some of these services, which we know to work, as an intervention, we will stop a lot of young people from entering the system. Young people will make mistakes.

Mr. CHABOT. I am going to have to cut you off because I am going to run out of time. But thank you very much. Mr. McDonald, let me turn to your next. Indiana appears to be one of the only States that has local school districts teaching in the residential facilities. How is that working and could you comment whether it has had any effect on recidivism rates for example?

Mr. McDONALD. It works pretty well. Mr. Chair, thank you for the question. And I would have to agree that education is a huge, huge impact on the lives of young people who have come in with the system. It is, actually, a basis of Indiana that we do educate our young people who are in DYS facilities or DOC facilities. It works very well for those children that are acceptable to the education as well. As far as recidivism reduction numbers, I cannot speak to those right off hand. Generally speaking, though, education is one of the factors that does help reduce recidivism.

Mr. CHABOT. Thank you. I have got about a minute left. Mr. Vignati, what would you recommend that Congress do to help juveniles who are at risk of falling into the criminal justice system. What has worked on Georgia? What do you think would be good for us or nationally to others who may be listening?

Mr. McDONALD. Yes, sir, and thank you for the question, Mr. Chair. I would, respectfully, say that you take a page out of Georgia's book and look at some of the things that we have done by shifting some of our funding from an institutional focus to community focus. And focus on things that have been proven to work that the panel has talked about. And incentivize those types of programming.

We have been able to protect public safety and still reduce our detention population. We have taken 259 beds off line. We have provided capacity for these evidence-based services and every judicial circuit in our State. And now, we are properly assessing risk of youth. So, we are being very thoughtful and targeted in which youth we securely detain and confine. And I think that is what we have to focus on here. We, as a State, were locking up the wrong youth. We have to be thoughtful and we are still able to protect public safety by doing that and providing the front-end services that the panel has talked about.

Mr. CHABOT. Thank you very much. My time has expired. The ranking member, the gentlelady from Texas, Ms. Jackson Lee, is recognized for 5 minutes.

Ms. JACKSON LEE. Thank you very much. And to the witnesses, your testimony will be so helpful, and I hope that this committee can begin immediately passing out a number of legislative initiatives crafted around what you have offered. And I will be offering those legislative initiatives that have been introduced so that we can look to specifically trying to move forward. I am going to ask

sort of a rapid series of questions. And if you can be brief in your answers I would be very appreciative. Because what you are doing is you are building the record. So, thank you so very much.

Mr. Vignati, you spoke about \$90,000, I think, per year, per bed. And so, tell us the State value in resources not being expended in that way and being expended constructively to repair lives.

Mr. VIGNATI. Yes, ma'am. Thank you for the question. Because we—

Ms. JACKSON LEE. \$90,000 for incarceration.

Mr. VIGNATI. Pardon?

Ms. JACKSON LEE. You said that was what we would be spending if you—

Mr. VIGNATI. Yes, ma'am. At that point in time it was \$90,000 per year per bed. It is now more than \$100,000 per year, per bed. So, what we have done is by front ending those services that we have talked about, we have been able to take offline the detention beds that we talked about. We have also been able to not build two new facilities that we projected, thus saving our State \$85 million through 2018.

Ms. JACKSON LEE. So, the lesson is put in more, give them the services, and you are saving, steering lives?

Mr. VIGNATI. Yes, ma'am.

Ms. JACKSON LEE. Thank you. Mr. McDonald, you mentioned, and I think our ranking member mentioned, this formation of the brain. But you also in your testimony talked about recidivism therapy, but mental health facilities. Could you comment on how that has been effective?

Mr. McDONALD. Yes. Thank you, again, for the question. So, we do have, through course of our risk assessments and our mental health assessments, we have found small populations and, actually, the number appear to be at the beginning somewhat correlated with what they do in adult facilities. They are helping to identify the numbers of children in facilities or that are currently in the system that have some sort of substance abuse or mental health issues. So, what those are helping us do is identify those children, get them the treatment that they need, or possibly whether it is in the facility or outside of the facility through the stool status process. And it is actually becoming more and more effective. We are still very early in some of these programs and stages, but we do have them and they do appear to be working.

Ms. JACKSON LEE. Do you adhere to the theory that the brains of juvenile children are not fully developed as they make decisions that may find them in the juvenile justice system?

Mr. McDONALD. Me, personally, yes, I do. And I do know, as a State, we do often consider those when we do talk about juvenile justice initiatives.

Ms. JACKSON LEE. Something that we in the Federal Government should consider.

Mr. McDONALD. Yes, ma'am.

Ms. JACKSON LEE. Mr. SaintGermain, how old are you now?

Mr. SAINTGERMAIN. Just turned 28.

Ms. JACKSON LEE. My goodness.

Mr. SAINTGERMAIN. So, I am just getting over the phase where I do not make those decisions any more.

Ms. JACKSON LEE. Yeah, but also you will be able to pass for quite a young man for a very long time. And I think that is good. I look forward to you continuing your education. Congratulations to you.

Mr. SAINTGERMAIN. Thank you, ma'am.

Ms. JACKSON LEE. But I need you to express to us the pain. Because while you were in, or while you were on the street, you saw your peers. And two points that I want to make: we have recognition through Kalief and I am delighted; please give his brother and family my regards. But, the horror of being 16 in solitary confinement. So, as you talk about your pain, would you speak about the horrors of being in solitary confinement and whether that would be good legislation to eliminate? And number two: alternative sentencing. You seem to have gotten it. And how do we do that and set the Federal standard so that States, and I am going to ask Ms. Ryan, because she has got all these examples of dastardly acts, would be more effective in treating juveniles?

Mr. SAINTGERMAIN. Thank you. Thank you again, Ms. Jackson Lee. I, personally, was very fortunate that I have never experienced solitary confinement myself, but I work with a lot of young people currently on Rikers Island that are dealing with solitary confinement who have dealt with it. Flying, at times, I have to sit, you know, in this chair for a long time and that really drives me crazy after a certain amount of time. So, you imagine a young person being locked in a box, extremely small, for 23 hours of the day. Right? A young person who is 16, 17, and 18 years old have no human contact, which are things we know are important to young people's growth. And you can imagine what that does to the adolescent brain. How it destroys it. A lot of young people I work with who have had such experiences, when they come home they are not the same. And Kalief Browder, again, sorry to keep bringing up his story.

Ms. JACKSON LEE. Go right ahead for Ms. Ryan.

Mr. SAINTGERMAIN. He was a perfect example of what solitary confinement can do to adolescent's brains and young people overall. So, I think banning the box and getting rid of solitary confinement for young people is extremely important and something that is very much needed in order for young people to move forward after the system.

As it relates to an alternative to incarceration, it is what basically saved my life and helped me. And again, if we can provide young people with the services prior to entering the system keeping them with their family in the neighborhoods, which we know studies have shown work better for young people when they are around families and neighborhoods and community based programs that work for them. I think it is the way Congress should move forward, and that is the best way to help young people, again, overcome some of the challenges by going through the system and experiencing it in their regular lives.

Mr. CHABOT. Without objection, the gentlelady has an additional minute.

Ms. JACKSON LEE. I thank you. Thank you, Mr. SaintGermain. I hope that we will be able to question you again. Ms. Ryan, I think what is important about the work that you have done is that you

have seen the landscape of the United States. We are sitting here in a pristine room, and we are hearing good things. Let us know how important it is that we deal with banning the box, solitary confinement, the recognition of the brain, and making the Federal statement through legislation. Because what is happening in other States that are not like these States here. What you have seen. You gave a whole litany. Tell us what you are seeing across the Nation.

Ms. RYAN. What we have seen, really, is a shift away from harsh punishment and towards effective programs that work. And so, you have seen a number of States take proactive action to do this and those States have reduced the use of incarceration and redirected those resources to community-based, non-residential, evidence-informed programs and services for young people. So, what Congress can do, really, is to help accelerate those kinds of efforts throughout the country. The kinds of things that Mr. SaintGermain. has talked about, that he has needed in his life would be the kinds of things that you could incentivize through resources from this committee.

And I think also because so much of the funding is literally locked up in institutions you have to close them in order to generate savings. Anything that you can do to repurpose and downsize would be helpful.

Ms. JACKSON LEE. Thank you.

Mr. CHABOT. Thank you. The gentlelady's time is expired. The gentleman from Texas is recognized for 5 minutes.

Mr. RATCLIFFE. Thank you, Mr. Chairman. I appreciate all the witnesses being here today. Obviously, this is a very important subject, but I do want to make sure that we are not conflating the issues at the Federal level and the State level and that we are talking about the same things. And I went to the Bureau of Prisons website, and it appears to me that there is only a handful, I think less than 20, juveniles that are currently in Federal custody. Mr. Vignati, do you know if that is correct?

Mr. VIGNATI. Yes that is correct. I think what we are speaking about are the juveniles that come before our States and that number is a lot higher.

Mr. RATCLIFFE. Yeah. Again, I just want to make sure that we are clear and, you know, it appears that those that are in Federal custody are juveniles that have committed violent offenses and have, frankly, a history of not responding to interventions and preventative measures in the community. Is that your understanding?

Mr. VIGNATI. I think right now in Georgia we have one youth that I am aware of that has a Federal charge and that we are actually housing in one of our secure facilities. So, it is a very rare occurrence that we have a Federal youth that comes before us. I will not speak for the other States, but in my 30-year career, it has only happened a handful of times.

Mr. RATCLIFFE. Mr. McDonald, do you agree with that?

Mr. McDONALD. To my knowledge yes. I do not know off hand of any juveniles in Federal custody in Indiana.

Mr. RATCLIFFE. Okay, very good. So, given that nearly all of the population we are talking about here, with respect to juveniles, are in State institutions, I want to drill down a little bit on what the

role of the Federal Government should be. So, beyond the provisions of the Juvenile Justice Delinquent Prevention Act, I want to talk about what the Federal Government should be doing to assist States to take action and to innovate in this area. I will start with you, Mr. Vignati.

Mr. VIGNATI. Well, what I will say is that the JJDP Act was the seed for a lot of our reforms in Georgia. While the Federal funds have gone down over the years and we have much more significant numbers of State dollars, we were able to move quickly and effectively because of the support from JJDP and those Federal dollars. Years of planning took place so we were ready to roll when we wanted to reform.

Mr. RATCLIFFE. Okay. So, it sounds like it may have been the seed for that. But are there challenges that you, at the State level, are facing in complying with the core requirements?

Mr. VIGNATI. Georgia has been in compliance with the core protections for years. There were some concerns when they rolled out some possible changes, but we are in compliance at this point.

Mr. RATCLIFFE. So, were there challenges or any issues that you had in complying with the disproportionate minority contact requirement?

Mr. VIGNATI. For the proposed changes?

Mr. RATCLIFFE. Yeah.

Mr. VIGNATI. I think that was almost every State, yes, sir.

Mr. RATCLIFFE. Would you agree with that, Mr. McDonald?

Mr. McDONALD. Yes, sir.

Mr. RATCLIFFE. Okay. Mr. McDonald, it appears that Indiana is one of the few States that has local school districts teaching in residential facilities. What kind of curriculum are these juveniles receiving and can their credits be transferred to schools when they leave the facility?

Mr. McDONALD. Yes. Yes, we are. First of all, thank you, again, for the question. So, the students in the facilities receive predominantly essentially the same education that a child would receive in a public school system: math, reading, writing, science, that kind of stuff. One thing that I was not able to address in my previous testimony is that our DYS also is partnered with our Department of Workforce Development to help get some juveniles some actual vocational training, so those students that are eligible to receive that kind of training. So, they can build a job skill while they are potentially in a facility to help further themselves when they get out.

Mr. RATCLIFFE. Well, I will let you follow up on that, Mr. Vignati, because I am curious from Georgia's perspective as well, but I always wonder about whether there is any useful data that comes up from these types of initiatives with respect to recidivism rates. So, can you shed some light on that? Have you been able to collect any data with respect to that?

Mr. VIGNATI. So Georgia, our Department of Juvenile Justice is the 184th school district in the State. So, our youth earn school credits when they are with us and can graduate and get a diploma. The diploma is from the Georgia Preparatory Academy. Youth are able to earn not only high school graduation certificates, they are able to earn GED. They are also able to earn technical college cer-



tifications, and, if they qualify, they can also earn college credit. So, last month we were able to graduate over 50 youth from our Georgia Precatory Academy. The vast majority of youth are going to come back to the communities, and if they are on target with their school, they are able to get a job; they are able to enter either back into their education seamlessly or into the workforce. So, we view that as a positive.

Mr. CHABOT. The gentleman's time has expired. The gentleman from Michigan, the ranking member of the full committee, Mr. Conyers is recognized for 5 minutes.

Mr. CONYERS. Thank you, Mr. Chairman. Excuse my absence here. But I wanted to ask Ms. Ryan this question. What is the importance of the four core requirements for Juvenile Justice and Delinquency Prevention Act funding?

Ms. RYAN. The importance of the four core requirements cannot be understated enough. The act has been in place since 1974, and it has helped States shift away from putting kids who should not be in the system at all away from the system. So, kids who are status offenders, runaways, cannot be detained. It has also ensured that kids are not placed in adult facilities. Over the years, there were two core requirements at the beginning, now there are four and I think those have helped the States really move away from this sort of punitive system. They have supported a minimum floor of requirements that, in fact, I think almost all States are in compliance with.

Mr. CONYERS. Thank you. Mr. Vignati, in your statement, you referred to the success of using a variety of cognitive behavioral intervention programs with young offenders. Could you explain to us how these were developed if you know, and how you determined which programs to use for each juvenile?

Mr. VIGNATI. Yes, sir. Thank you for the question. I do not know exactly how all the different programs were developed, but I do know that over time there have been a multitude of research studies to show that they have been effective with this population of risk. And I think that is the thing to think about. When we talk about youth, it is important to look at what their risk level is and what their need level is. In Georgia, we have a validated risk assessment and a validated needs assessment that helps us determine which youths should go into those programs and what is the right fit for those programs.

Mr. CONYERS. Okay, Mr. Vignati, in your statement, you refer to the success of using a variety of cognitive behavioral intervention programs. Oh, okay. Excuse me, sir. I am going to switch to Mr. Devon McDonald.

Mr. McDONALD. Yes, sir.

Mr. CONYERS. In your statement, you state that as of December 2016, the Indiana Department of Corrections, Division of Youth Services began referring all of its high school and students in DYS facilities to Indiana's Department of Workforce Development. Could you explain to us how this works? The programming that is then applied to these young people and the goals of the program?

Mr. McDONALD. Yes. So, it is essentially just that. Our DYS is our Department of Youth Services within our Indiana Department of Corrections. And so, they have partnered with what is called

DWD in Indiana, or the Indiana Department of Workforce Development, to sponsor the Job for America's Graduates Program in our facility.

So, it is just that. Students that are in our facility that earn their degrees or looking to move into the workforce. They go into these programs, or DWD sponsored programs that are somewhat, like, vocational programs to learn job skills, job-training skills, so they can, again, be productive members of society. So they are actually using their time in incarceration to build some sort of skill that they can then use outside of an institution.

Mr. CONYERS. Thank you very much. Mr. Chairman, I yield back my time if there is any left.

Mr. CHABOT. Thank you very much. The gentleman yields back. Thank you. The gentlelady from California, Ms. Bass, is recognized for 5 minutes.

Ms. BASS. Thank you. Thank you, Mr. Chair. And let me take a moment to thank our ranking member on this subcommittee and all of the witnesses for your testimony. And more important than your testimony, it is your work and the commitment to changing this system. I really appreciate all that you have done, and I look forward to reading more about it.

But I did want to take some of my time to raise a question that I think at some point needs to be raised in this country. Which is at some point, in the 21st century, we need to ask the question as to why we even have a juvenile justice system? All that science has learned about brain and child development, all we have learned about behavior, intellectual and learning disabilities, all that we have learned about disproportionality. Now, I do not know about your States, and I am very proud about California. We have made a lot of significant advances in California. But even in California, as in the rest of the country, and tell me if I am wrong, we need to acknowledge that the juvenile justice system exists for one part of our population. It exists for poor people.

When rich kids get into trouble, and I have seen it personally numerous times, there is a whole other system for them. We care about them. They are troubled teens. We send them to therapy. We understand they have problems at home. We do not criminalize wealthy people. We do not. And the bottom line is that if you are able to afford an attorney, then, you know, that is when you get, you know diverted into services. We need to examine our system and acknowledge the fact that there is a disproportionate number of foster youth that are in the system and that foster youth are not allowed to be normal teenagers. Normal teenagers can be obnoxious. When our normal teenagers are obnoxious, we deal with it. When foster youth are obnoxious, they get incarcerated.

So, for example, if you were in a group home and you get into a fight in that group home, they call the police and you go to jail. If two siblings at home fight, you do not put your kids in jail for that. Oh, and by the way, when foster youth are criminalized when they are teenagers and that is when we criminalize them, we call them crossover youth. We have a special term for them. We like them when they are in the dependency system.

When they go to the juvenile delinquency system, we do not like them because in our country, we do not like other people's teen-

agers. That is one of the fundamental problems. And once you are caught up in the system it is extremely difficult to get out. Now, in California, until recent time, if you committed a felony as a juvenile, that counted as a strike. So, you could essentially have two strikes as a juvenile and then do something wrong when you are 21, 22, and you are sent away for life.

I have been with young people who are waiting to go on trial and one of the problems in our country is that they do not have legal representation. So, I have been with young people who meet their attorney 5 minutes before they go into the courtroom. And that attorney has a stack of cases and walks in, pleads them out, and then they go on to be incarcerated. So, to me, I find it so ironic, because just the other day we passed 5 bills to improve the child welfare system.

And I view the system, frankly, as State-sponsored child abuse, because I do not see how we can all come together around dependency and then do what we do around delinquency, especially when we need to acknowledge that the majority of these children actually started in the child welfare system, so State-sponsored child abuse, life without possibility of parole, solitary confinement, juveniles in adult prisons, and what we did in California, when we sentence a juvenile to an adult prison we kept them in solitary so they did not intermingle with the adult population.

So, how does that work? I think we need to look at the costs. The thing about child welfare and this system is it does not necessarily need a whole lot of money. I know that you guys need more money for programs, but you just said, Mr. Vignati, that \$100,000? \$100,000 a year for a bed? We have the money to provide the services that are needed to keep children out of the system.

But I think what is needed in our country is political will and political courage. Because the bottom line is that elected officials vote for bad legislation like this because we do not want to be seen as soft on crime because we do not want it used against us when we run for reelection. That is the real bottom line. So, political will and political courage is what is needed.

So, my question to you in the remainder of my time, and if the chair would not mind allowing you to answer, I wanted to know what policies you think might be needed to move our country in the direction of eliminating the system? And let me just note, not everybody in the world locks up children. This is a feature of the United States. Now, there is other countries that do it, but there are some countries that do not believe in a juvenile justice system. So, what kind of policies do we need to move our country away from this? Do you mind, Mr. Chair?

Mr. CHABOT. The gentlelady's time has expired, however if she would direct the question at one of the witnesses so they could answer, and we will give them the time to answer.

Ms. BASS. Okay.

Mr. CHABOT. But not all of them.

Ms. BASS. Ms. Ryan? I do not know who to direct it to.

Mr. CHABOT. Thank you.

Ms. RYAN. We need to do a number of things as you suggested. We need to make sure kids are never put in the adult criminal justice system, never placed in adult jails or prisons, we need to end

the worst kinds of abuses that occur in the juvenile system, like solitary confinement. But frankly, we need to get rid of the signature feature of the juvenile justice system, which is incarceration. That is where we spend most of the money. That is where most of the effort goes and as you have heard today, when we shift away from that we can actually serve youth in their community.

And what we hope is that of the \$5 billion that gets spent annually on placing kids in incarceration settings, that that money can be shifted to serve not only kids as alternatives to incarceration in the juvenile system, but can serve kids in the community so they never have to touch the system in the first place.

Mr. CHABOT. Thank you very much. The gentlelady's time has expired. The gentleman from Louisiana, Mr. Richmond, is recognized for 5 minutes.

Mr. RICHMOND. Thank you, Mr. Chairman, and let me thank the witnesses for coming. And let me thank Ms. Ryan for noting the juvenile justice reform that we did in Louisiana when I was in the Louisiana legislature, and we were able to pass the Missouri Model, shut down Tallulah and a number of other institutions where we housed youth.

Let me just start with the basic goal, and I think it was Mr. Vignati mentioned it first, that, you know, we want to reduce the risk to public safety. But, at the same time, we want to reduce the detention population, and the good thing is they both can be done at the same time if done in a very small way. So, the first question I will ask is just a straight yes-or-no and you all can answer it. Do you agree that we have reached the point of diminishing returns? That every dollar that we spend on incarcerating a youth actually makes our communities less safe? Mr. Vignati?

Mr. VIGNATI. Can I do a yes-and?

Mr. RICHMOND. Sure.

Mr. VIGNATI. Yes, and we have to continue to be more thoughtful and more targeted. I have given 30 years of my life to this and we are way better than we were in '87, and I hope, for my children, we will be way better next year and 30 years from now.

Mr. RICHMOND. Mr. McDonald.

Mr. McDONALD. Again, I would have to agree with Mr. Vignati. I do not think it is quite just that clear; I think, sometimes and in some situations, these lend themselves to some treatments that may not otherwise be afforded to a juvenile. So, I think, you know, heavy on risk and needs and mental health assessments, I think, are kind of, really, the way to combat some of these issues.

Mr. SAINTGERMAIN. I say yes. Again, I am a perfect example of that. I think if you invest on the front end, you provide opportunities as Ms. Bass just talked about, to young people, you stop criminalizing poverty, then you are going to have successful young people who turn out to be taxpayers instead of tax burdens. So, my answer is yes.

Mr. RICHMOND. And Ms. Ryan?

Ms. RYAN. Yes. There is overwhelming evidence that incarceration does not work.

Mr. RICHMOND. And I am not sure if you all are familiar with the Youth Promise Act, which has been traditionally introduced by Bobby Scott. But it shows that similar prevention programs in

Pennsylvania, for example, for every dollar that they spend on prevention they saved \$5. And what we need to start to do in this Congress is just stop looking at things as simply about spending. Because if you look at just addition and subtraction, that is a very elementary way of running a government. We really should look at return on investment and the cost benefit analysis. So, if we get \$5 for every \$1 we spend on prevention then maybe we should spend a lot on prevention so that we can reduce the incarceration spending tremendously.

Mr. SAINTGERMAIN, let me ask you a question. This goes back to my days in the Louisiana Legislature when I was chair of judiciary. And solitary confinement we found is just bad. Old, young, it does not matter. It is just bad. But I had a hearing where I only invited in formerly incarcerated people. And I asked them what were their biggest barriers to re-entry. And we found out a bunch of interesting things because we were actually talking to people who reentered.

Mr. SAINTGERMAIN. Right.

Mr. RICHMOND. And one of the things we learned is that we released them from our State penitentiary with a bus ticket and \$10. And then, when they get home they are required to have a State ID, which costs \$12. So, they come out upside down and violating the law. So, what we did, was we created a program where we give them their ID before they go home.

Mr. SAINTGERMAIN. Yeah.

Mr. RICHMOND. And we release all and waive all their traffic fines and fees and all of that. What would be those things for our 100,000 or so youth that are re-entering every year? What are those things that to you are common sense, but to us at 10,000 feet in the air we may not see? What are those simple things we can do for our youth?

Mr. SAINTGERMAIN. Mr. Richmond, thank you. And I think you have answered that question you asked. Young people who are leaving the system, a lot of times we send them home and say, "Good luck." Right? We have not prepared them for life in the streets. This very same things that caused them to enter the system, which we have talked about, economic reasons and other issues, things that historically has been part of this Nation, we pushed them out and said, "Go ahead and make it on your own, right?" So, they do not have the opportunities and when they come back home they are marked from society. They have to fill out the box saying that they were incarcerated, which denies them the services.

So, if you take a person, right, and you incarcerate then, and then you put them back in the streets, and then you tell them, "Good luck," knowing that they have records and there is a society that is not so welcoming to them, then, obviously, naturally people have to survive. We are all animals in a way, right? We will find a way to survive. Any member of this body right now, if I put them in certain circumstances, they will find a way to adapt and survive. So, young people, when we push them through the system and not give them the proper resources for re-entry, mental health, vocational training; the ID is a very small thing. Things they can use to travel and look for jobs and giving them the career opportuni-

ties, which we fight for ourselves, then they are more likely to fail. And those things are obvious things.

So, I think investing, again, in re-entry and giving these young people concrete services is what is going to help them not to re-enter the system, reduce the recidivism rate.

Mr. RICHMOND. Thank you. And I see that my time is expired. I would just encourage Mr. Chairman, if you would, to think about having a hearing on all the barriers people face once they get back. Because it becomes a self-fulfilling prophecy. In Louisiana alone, there are 300 jobs, or professions you cannot enter if you have formerly been incarcerated. And if you cannot get a job then you go back to the life of crime. So, if we could think about that, I would be very grateful if you would entertain that. Thank you, Mr. Chair.

Mr. CHABOT. Thank you very much. Since I am the acting chairman today I will direct the staff to talk to Mr. Sensenbrenner about that. So, the gentleman's time has expired. The gentleman from New York, Mr. Jeffries, is recognized for 5 minutes.

Mr. JEFFRIES. Thank you and I thank the distinguished acting chair for your leadership and the ranking member for her tremendous involvement in this important issue and her vision and foresight in helping to push this forward. I also want to thank the distinguished panelists for your presence here today, and particularly Jim SaintGermain, who I have the privilege of knowing from back home in Brooklyn. We are all extraordinarily proud of your story, your effort, and the transformation that really is a beacon of light for so many different folks.

I want to ask the chairman unanimous consent to enter into the record a series of writings from some of our Nation's top conservative organizations in support of criminal justice reform as it relates to expunging the records of young people who have engaged, perhaps, in a minor infraction. And—

Mr. CHABOT. Without objection, so ordered.

Mr. JEFFRIES. Thank you. We, of course, want to make sure that these are young people who do not get marked with a scarlet letter and adversely impacted throughout the balance of their life. So, thank you, Mr. Chairman.

Let me start with Mr. SaintGermain. In terms of your own personal story, you indicated in your written testimony and you amplified that to some degree in your testimony here today that you were put in a very tough circumstance upon your arrival here from Haiti and a challenging environment, and you were heading in one direction. And as a result of, you know, perhaps the fortunate accident of history, were not put into the adult criminal justice system because the infraction that you engaged in occurred slightly before your 16th birthday. But then, that set in motion a series of things that led to what was a phenomenal transformation and you being able to bring to life, obviously, your natural talent and ability.

I would be interested in knowing what, you know, what was the single most important thing in helping you to shift direction and to become the person that you have become today?

Mr. SAINTGERMAIN. Thank you, Mr. Jeffries. And it is a pleasure of knowing you over the years, actually. I met Mr. Jeffries when I was just 18 years old working in a supermarket literally a few months after exiting the juvenile justice system at Key Food right

on 7th Avenue and Carroll. And thank you for all the work you have done over the years.

It is really hard to pick one thing. Since I have to, I would say that caring people who were in the position to show me that there was a different side of life. Basically, opportunities and exposing me to a side of life, which I was not accustomed to. As you know, 10 minutes away from Crown Heights where I grew up, to Park Slope, Brooklyn, it was a totally different lifestyle, right? Things are different, the neighborhood looks different, opportunities are available. So, having those opportunities available to me realizing that it was more to me being just an athlete or a musician, made a huge contribution to my life to where I am today. So, I would say that just exposure to opportunities and caring hearts.

Mr. RICHMOND. Well, thank you. Frederick Douglas once said, "It is easier to build strong children than it is to repair broken men." And, certainly, I think we would all take care to invest in opportunity and prevention as opposed to incarceration.

I want to move to Mr. McDonald. In terms of your own experience, could you speak for a moment about the importance of making sure that if there is a minor infraction that a young person engages in that there is an opportunity to be able to overcome that with a rehabilitative re-entry focused approach as opposed to a punitive approach that may result in someone spiraling down a path that it will be difficult to recover from?

Mr. McDONALD. Yes. You know, from a State perspective, there is a couple things that, you know, you mentioned expungement in your early remarks. As a State, we are actually in the process here in a couple of weeks, July 1, our expungement process is being revamped a little bit for juveniles. Expungement, I think, would be a great thing for some young people who have committed fairly minor acts to kind of wipe the slate clean. It gets rid of the stigma, so to speak, of I have a juvenile record and they carry that with them whether anyone else may know about it or not. But it personally impacts that child.

As far as re-entry goes, you know, into society, that is actually one of my recommendations that I submitted in my testimony, is that reentry services is something that is of great need. I do not want to speak for everybody else, but probably across the Nation.

Some of the programs that we provide in allowing, you know, through our JDAI and providing those types of services or rehabilitative types of services that you are talking about, substance abuse is a big issue. In Indiana, it is everywhere and we have identified in some of our juvenile populations that our substance abuse problems with our juveniles rival those that we have of adults. And so those types of services are great. Education, providing the basic necessities: food, water, shelter, things like that are huge impacts on recidivism.

Mr. RICHMOND. Thank you. My time is expired and I appreciate your testimony.

Mr. CHABOT. Thank you very much. The gentleman's time has expired. The gentleman from Maryland is recognized for 5 minutes.

Mr. RASKIN. Mr. Chair, thank you very much. I also wanted to salute you and the ranking member for your leadership in bringing us together on this very important subject. Mr. SaintGermain, let

me start with you. A quick question about education in addition to the other failings of incarceration as a strategy for crime reduction and harm reduction. It does interfere with people's education, does it not? And is that not a huge problem, the opportunity lost that we have when we are putting people behind bars?

Mr. SAINTGERMAIN. Mr. Raskin, I will give you another personal example. When I graduated from my GED and wanted to go to college, one of the things I had to fill in the box was whether you have been convicted of a crime. And, basically, answering yes means that I would have no opportunity to get financial aid. Now as a young man, 18-years-old, trying to change my path, trying to get an education in which we know is the greatest equalizer; if I was charged as a 16-year-old where I had to answer yes in that box alone that would have exterminated my opportunities right there and then to move forward in life, and I would not be the person I am today. So yes, it is very much important to give young people opportunities to seek the education which they need, which we know as adults will help them lead a life of success. So, that is indeed true.

Mr. RASKIN. And thank you for what you are doing now to promote education among so many young people where you live.

Ms. RYAN, I am drawn to the points that you are making about the failures of incarceration and alternatives. The problem, politically, is one of violence in society generally. We live in a very violent society. We were hit by it here in Congress last week when one of our colleagues was shot and many of them were attacked in an episode of gun violence. But people think, well, if we do not have incarceration, we are not going to be able to engage in the reduction of violence. And I just wonder if you have any thoughts about that. How we should think about the problem of violence without resorting immediately to incarceration?

Ms. RYAN. Well, I think that the data shows that when you incarcerate a child in the juvenile justice system, you are going to greatly increase their likelihood of reoffending, and you are also going to be increasing the likelihood that they will end up being in the adult criminal justice system. So, you are actually increasing violence by placing kids in incarceration. So, the alternatives, I think some of the ones that have been discussed here today are ones that have been shown to reduce recidivism and also to help young people to grow and thrive.

So, if you look at a lot of the alternatives that could be placed in the community that are evidence-informed and that are an array of alternatives, so it is not a cookie cutter approach; it is not each kid gets this exact thing. It is really individualized to that young person. So, for example, a program like the Youth Advocate programs, it is very high-intensive wrap-around services for young people. It is individualized. It has been proven to be very, very successful. And they are in a number of States around the country. So, if you lift up programs like that, ones that really help young people to turn their life around, you are going to be increasing public safety and helping that young person at the same time.

Mr. RASKIN. Thank you. And then, finally, for Mr. McDonald and Mr. Vignati, what is the role that unaddressed or under-addressed mental health problems are playing in problems of juvenile delin-



quency and crime? And what role do mental health programs and treatment play in dealing with the issue?

Mr. VIGNATI. Sure. Thank you for the question. Approximately 50, 55 percent of all youth that come to our juvenile justice system in Georgia have a diagnosed mental health issue. So, that is something that we have seen grow over the years. If those youth are able to access the appropriate treatment before they come to us, then, obviously, that helps benefit us all.

Mr. RASKIN. But right now, sorry, just to be clear, that is not happening. The kids arrive without having had any formal mental health intervention.

Mr. VIGNATI. That is prior to them coming to us. So, when they come to us, they have that issue. So, I think in a community, mental health is an issue, at least in our State, that needs to be addressed.

Mr. McDONALD. Mental health, I think, can be under-addressed, especially in juveniles who maybe have not actually approached the system. But that is where, you know, like I said, the risk assessments that we use help identify those issues. And, to echo what Mr. Vignati said, is we have a large segment of our population in our juvenile populations in our facilities that do have some sort of learning disability, or mental health issue, substance abuse issue that needs to be addressed. And if those are successfully addressed at that time, can have great impacts on recidivism and public safety.

Mr. RASKIN. I yield back.

Mr. CHABOT. The gentleman's time is expired. Thank you very much. The gentlelady from Alabama. We want to apologize for missing her the last time around, but is recognized because we know she has a particular interest in this area, children and helping them. So, we apologize and she is recognized for 5 minutes.

Mrs. ROBY. That is okay. That is okay. Thank you so much. Thank you all for being here today.

Ms. Ryan, your Youth First initiative literature, you define youth incarceration as any place where youth's liberty is deprived. And you include in that not only residential centers or juvenile correctional centers, but also places like wilderness camps and youth academies, and foster homes. And so, in an effort for me to try to understand your perspective, what do we do with juvenile offenders who come from homes where they have no supervision or where their parents encourage criminal behavior, like dealing drugs or carrying weapons? What would be the appropriate place for these juveniles that do not count as your definition of incarceration?

Ms. RYAN. It really depends on the individual situation, but there are alternatives like independent living. You know, a young person should not be locked up or taken out of their home if they have high need, but not high risk, right? So, if they have high needs, but they cannot go home, there is an independent living type program which is a program in the community where a young person can live in an apartment and gets workforce supports and educational supports. So, there is options like that that would not be considered incarceration, but that would help that young person to—

Mrs. ROBY. So, I mean, what age are we talking here where a youth would live on their own? I am just trying to understand. And where do these programs exist?

Ms. RYAN. So, a number of States have independent living programs as part of their juvenile justice programming. It is usually youth between 16- and 19-, 20-years-old because youth can be in the juvenile system in most States up until their 21st birthday.

Mrs. ROBY. How does the supervision work in an independent living situation? I mean, who is—

Ms. RYAN. Usually, the youth have a caseworker and, oftentimes, that they have programming supports that they go to. They are helped to find a job. They are often in school at the same time as well. So, it is very sort of wrap-around intensive types of supports for young people because those young people are going to be living on their own after that at some point anyway. So, this is really kind of graduated step.

Mrs. ROBY. Would you agree that there are some circumstances where a juvenile should be detained where there have been violent crimes committed?

Ms. RYAN. You know, there may be some youth who pose a very serious risk to public safety. It is a very, very, very small number when you look at their crime data. And they may need secure care for a period of time. And if that is the case, that kind of care needs to be therapeutic, it needs to be very small; it needs to be close to that youth's home and community so that they can access those kinds of supports.

Mrs. ROBY. And so, this question might be for any of you to answer: no child should ever be abused. It is absolutely appalling that there is physical and sexual abuse occurring in locked juvenile facilities. So, I guess for any of you, are you seeing States take measures and protections to ensure that this type of abuse does not occur? And, what are they doing? And what do you propose is done to prevent this appalling abuse?

Mr. SAINTGERMAIN. Thank you, Mrs. Roby. I think States are taking measures, but I believe, as Mr. Ratcliffe was referring earlier, in terms the Federal Government not really having such a role in the lives of young people in the juvenile justice system. I think the Federal Government can incentivize certain reforms, right?

So, for example, at Rikers Island, we are putting cameras in certain places that did not have them before. We are putting accountability measures in place where guards and other folks violate young people's rights to hold them accountable. So, I think States are moving towards that direction, but the Federal Government, who has the power of the purse, I think, can certainly help States to get there faster.

Mrs. ROBY. Anybody else want to weigh in?

Mr. VIGNATI. What I have noticed over the past several years is that PREA, the Prison Rape Elimination Act, has had a huge impact on making juvenile facilities safer both in Georgia and in other States. So, I think there is an impact that you have seen there not only in the juvenile system, but in the adult correctional system. Are we where we need to be? Maybe not yet, but I think we are headed in the right direction because of that legislation and the compliance of the States.

Ms. RYAN. I am glad you mentioned PREA, because that is a really good point. I would also say that when you have a custody-type situation where a child is in a facility, an institution, there is often abuse. And so, one of the things that you could do would be to incentivize States moving away from institutional settings, particularly the large kinds of settings. And almost every State has one of these kinds of institutions. We actually have a list on our website if you are interested.

Mrs. ROBY. Okay. Thank you all again for being here. We appreciate it. I yield back.

Mr. CHABOT. Thank you. The gentlelady's time is expired. I will now go to a second round for those that have additional questions or are so inclined. We will recognize the ranking member, 5 minutes.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. I think I am going to take this opportunity to thank my members who asked such important, provocative questions and provided great insight to Congresswoman Bass. I want to join the aspirational goal. I would like to say it is one that we could have for tomorrow, which is to question and maybe remove this structure of a juvenile justice system. I do not know if we advance if we say juvenile restoration and rehabilitation, but something that is uplifting and does not craft them as participants of the criminal justice system. We recognize that young people and their undeveloped brains have been engaged in violent acts. And we recognize that you all are smart enough to deal with that. The question is how do we do it?

So, Ms. Ryan, I want to, and then I want to submit a number of things into the record. I want to pointedly, I think when you answered my question you were upbeat. What I am trying to ask, because I do believe as Mr. SaintGermain has said, there is a vital role for the Federal Government. And one of those roles is to address and pull back the sore that the larger percentage of those incarcerated are Hispanic and African-American youth. Plain and simple. So, the question is what is the percentage of the States that have not moved to that point? We know that there are those who are reckoning, but there are those that are not. So, we have got 50 States; where are we in that scheme?

Ms. RYAN. That is a great question. I mean, when you look at the reforms that have happened around the country with youth incarceration going down, what we have actually seen is racial and ethnic disparities going up. And so, that the reforms are not benefiting all youth equally. And so, States need to redouble their efforts to reduce racial and ethnic disparities in the juvenile justice system. And, really, to remove the aspects of the juvenile justice system that mirror the adult system, because the juvenile system was created as an alternative to the adult system, but there are aspects of it that mirror the adult system.

Ms. JACKSON LEE. So, if you had to look at 50 States and say we have got 30 of them, 20 of them going full steam ahead, but we have got others. So, can you sort of give us where we are with the States moving toward that more positive thinking?

Ms. RYAN. I mean, I would say that, my colleagues might disagree with me, but I think that States still have a long way to go. I cannot hold up one specific State and say, "This is the model."

Ms. JACKSON LEE. They are not at a 50-State level where all of them are doing juvenile justice reform.

Ms. RYAN. Right. A lot of States are engaged in juvenile justice reform, but, only, I would say roughly a quarter of them are really dramatically pushing the envelope here. And I think that all of them still have a long way to go. Because no State has rejected the youth prison model and approach and every State has documented information racial and ethnic disparities. So, and that is something that the Department of Justice actually certifies.

Ms. JACKSON LEE. Yeah, let me make sure. You mention on federal initiative, and PREA is absolutely outstanding; I am glad it was mentioned. But you mentioned the Juvenile Justice Bill that has gotten through, but we are also working, because we are in the judiciary committee, to deal with the Juvenile Accountability Block Grant Program, which is H.R. 68, which is passed bipartisan last session here. And that goes to the Justice Department, which can have a real impact on States that have not moved yet. We need to move our Justice Department with this legislation for best practices and giving money to States and incentivized groups to do best practices. Would that be a great addition as well?

Ms. RYAN. Yeah, that would be a fantastic addition, because I think that the Federal Government can play a role as incentivizing States to take the right path. And what you have seen here today are there are a number of States moving in that direction, but we need to accelerate that pace of reform.

Ms. JACKSON LEE. Mr. SaintGermain, very quickly, you are living it every day. You are in New York, but do you see the disparate treatment of Hispanics, African-Americans, Haitians, I know there is a variety of individuals. And how do we cure that, because we want them to be contributing? And what is your thought about, you know, sort of eliminating this thing called the juvenile justice crime system.

Mr. SAINTGERMAIN. Mr. Vignati and I, earlier, were talking about States wanting to do the right things and move towards the right direction. But, the number one question that always comes up is, "Who is paying for it?" Right? Because we understand that some of these prisons and mass incarceration overall provides an economic opportunity in certain communities that do not necessarily look like the communities in which the young people are coming from which are majority African-American and Hispanic youth. So, that is certainly one of the things we have to deal with.

It is not just within the juvenile justice system, but throughout this Nation in general. Because the politics of fear contribute to the lack of reforms and progress which we need to see in the system.

Mr. CHABOT. The gentlelady's time is expired. Did you have documents that you want to put in the record?

Ms. JACKSON LEE. I will wait until after. Are you?

Mr. CHABOT. I am going to go next and then.

Ms. JACKSON LEE. Yeah. I will wait at the end.

Mr. CHABOT. Okay. That is fine.

Ms. JACKSON LEE. Thank you.

Mr. CHABOT. I will recognize myself for 5 minutes. Ms. Ryan, I did not get to you in my first round, so I will go to you first if I can. Tell me if you agree or disagree with the statement that I am

going to make now: there are some juvenile offenders, because of the nature of their crime, or what they have done, do need to be incarcerated to protect other youth or to protect the public in general. Would you agree with that or you disagree with that?

Ms. RYAN. What I would say is that it is not necessarily dependent on the offense that they committed; it is really their risk to public safety. And so, there are very few youth who pose a serious risk to public safety, and for those youth, they may need secure care for a period of time. What we are saying is it should not look like incarceration the way that, you know, these youth prisons look like.

Mr. CHABOT. When you say, "very few youth," what are we talking about percent-wise of those that are in the system now?

Ms. RYAN. It is probably less than 1 percent of the youth who are in the juvenile justice system. If you look at the FBI crime data, you will see the kinds of offenses that youth have committed. But again, I think that is just a proxy for potential risk that youth might engage in. So, you want to actually not incarcerate or detain a young person just because of the offense. You want to look at the risk to public safety and there is a variety of factors.

Mr. CHABOT. Let me follow up. Let me ask you about one of the problems we have had. I happen to represent the city of Cincinnati, but there is urban areas all over the United States that have similar problems. What about gang problems you have in New York City or you have in Chicago or Detroit or a whole range of places? What about gangs? People that literally, I mean, will kill if they are told to do so by other members of the gang. We have huge numbers of people, oftentimes, young people that, you know, are dying on the streets. In Chicago, unfortunately, it is incredible how high the numbers are there. What would you say about people like that? Let me ask you. I will go over to you. Go ahead,

Ms. RYAN. I mean, I think that there are a variety of gang reduction initiatives that you could look at to try to reduce gang violence in this country. But I think what you will find when you look at these cases individually is that young people can turn their lives around with supports. Because they join a gang because there is not anything else going on for them, right? They are brought into that because their life circumstances, and if there are alternatives to that, you know, like, you look at all the groups that are out there. The Boy Scouts, the Girl Scouts. Those could be considered a gang, right? Groups that provide not—

Mr. CHABOT. Well, I would not consider the Boy Scouts a gang.

Ms. RYAN. Let me just say.

Mr. CHABOT. Just for the record. Let me go to Mr. SaintGermain. I have only got a limited amount of time.

Mr. SAINTGERMAIN. Mr. Chairman that was a great question. I think what we have been talking about here is that we are actually competing with gangs, right? And what we are asking this committee is to invest in programs that young people will gravitate towards instead of gravitating towards gang members, right?

Because gangs provide a false sense of protection for young people, right? They tell them, "Look, we can protect you and we can provide incomes to you." And again, the adolescent's brain, if there is no alternative available to that child, then obviously the gang

members look very appealing to that young person. So, again, gangs will exist unfortunately. So, our job as a society is to provide an alternative where if a gang member said, "Hey, here is what you should do and here is what I think works for you," where we can be on the other side saying, "Hey, here is the right alternative. And here are opportunities that will help you move forward in life." So, I mean we are competing with them and we have to invest in these young people.

Mr. CHABOT. I have only got about a minute left; so let me bring in Georgia and Indiana here. I mean, we are trying to help the youth and trying to turn their lives around and make them productive citizens, but do we not also have a responsibility to protect the public here? And especially with respect to gangs, is that not a problem? And I got like a minute left. If you could both take about 30 seconds I would appreciate it.

Mr. VIGNATI. Sure. Thank you for the question. Yeah, it is a growing issue. I think that we have to be very deliberate about which youth that we place in secure confinement. And yes, there is a need for secure confinement from where we sit. Now, is it at the levels and numbers that we have in the past? No. We have been able to show that. But there is a public safety issue that we have to address. We have to be very thoughtful, and it has to be based on a risk assessment that has been validated. And I think that is the message to take away. So, it is not just the offense. It is the offense and a risk assessment that shows that those youth are a risk to public safety. And then we have to intervene.

Mr. CHABOT. Thank you. And I will conclude with Indiana here.

Mr. MCDONALD. I would just have to echo Mr. Vignati's remarks. Again, it is not necessarily the offense; it is what is this child or what is this child missing? What do these assessments tell us that we can do? What are the services that we can provide to that child with a problem necessarily? What can we do to cure that issue, to prevent it?

Mr. CHABOT. Thank you very much. My time is expired. The ranking member of the full committee, Mr. Conyers, of Michigan is recognized for 5 minutes.

Mr. CONYERS. Thank you very much. This subject matter that we are dealing with here today is so important. We have got to come back to it. We have just opened the can a little bit.

And I wanted to get all of your feelings, starting with Jim SaintGermain, about, suppose you were up here and you were sitting as a member hearing about this. What would you come away thinking, like I am now, what do I do about it? We have just got a new bill that just came out that we think is going to be better. But it is a deep, complex problem that has a lot of interconnecting issues tied up with it. It is not simple. So, do you go away feeling better about what we might be able to do or what we are learning? Or do you think that maybe we process this and say, "Yeah, it was a good hearing and the witnesses were great, and then we go on to something else?" What kind of direction can you give me?

Mr. SAINTGERMAIN. Thank you for your question, and thank you for envisioning me in your position one day. I think that I believe in this committee. I believe in Congress. I think we will put children over politics and over fear. These are our kids, our young peo-

ple. If we do not help them now, we will have to deal with them later. So, I think, in this hearing, you guys will take away from this that these are our kids, our young people. Whether they look like us, live in the same zip code as us, we have to invest in them. So, this committee, I believe, should push forward some of the legislation Ms. Jackson are proposing right now that would help young people to get on the right path. So, that is my personal opinion on what you guys should take from this, and I am sure the chairman will agree with me.

Mr. CONYERS. This is a very complex subject. Anybody else want to give us some advice in terms of directions?

Mr. VIGNATI. Well, what I would say is that, over the years, things have gotten better. I think you can feel good that you as a body have done your job with the Juvenile Justice Delinquency Prevention Act, you know? So, that is a positive. Looking at it from 10 years ago, Georgia used to get roughly \$8 million in Federal funds for juvenile justice with both the Formula Title II and the Juvenile Accountability Block Grant. Now, we get just a little over a million dollars. But what we have done is we have invested our State dollars because we view this as an important area. And we value the partnership with the Federal Government.

So we are not coming asking for more Federal dollars, but what we are saying is those Federal dollars are important in planning. They are great seed money, and they are great to help us with, "Hey, what works?" And what works is what we now know. We did not know 30 years ago what works. Now we do, so let's use what works. Let's push the field forward. Let's assess with validated risk assessments what is going on with our kids and make better decisions. So, I think you can feel better about where you are at. So, that would be my take, sir.

Mr. McDONALD. Representative, if I may. It is, you know, encouraging to hear that JABG funding is maybe coming back up to be refunded. I may be mistaken, but I believe it has been almost—

Mr. CONYERS. Move your mic a little closer.

Mr. McDONALD. It has been almost 5 years since the JABG program, the Juvenile Accountability Block Grant, has been funded at the Federal level. Which, I can attest Indiana is much like Georgia. We used to receive a substantial amount of juvenile justice money and we no longer do. We do receive Title II funds, but again, those have been reduced. So, I mean, I know funding is not necessarily in front of this particular committee, however, when you have the chance and you look at some of the regulations necessarily involved with these particular pots of money, like JABG for instance, I know Indiana, I do not know how Georgia feels. But sometimes we are a little confined in what we can use those dollars for. So maybe look at some of those approaches.

In JABG, for instance, you have programmatic areas that you have to apply for when you apply for that funding, which limits us because then that limits us at the State level than on the types of programs we can then fund with those dollars. So that might be something that you may want to think about moving forward as creating or eliminating that.

Mr. CHABOT. Thank you very much.

Mr. CONYERS. Thanks so much.

Mr. CHABOT. Thank you and the gentleman's time is expired. The gentlelady from California, Ms. Bass, is recognized, once again, and probably our last interrogator this morning.

Ms. BASS. Okay. Well, thank you, Mr. Chair. I do want to go back to the aspirational theme that I was referring to which is I think we should move in our country toward the direction of eliminating the juvenile justice system. I want to reiterate that I think the work you guys do is great. And I want us to make sure that we continue to fund the programs. But I am trying to make the point that 10, 15 years down the line, since you, Mr. Vignati said, that we know what needs to be done now. So, fund what needs to be done. Take that \$100,000 a year and use it toward prevention.

So, in a minute I am going to ask you guys about prevention programs. Yes, we have problems in our country now. Crime and violence and I specifically want to talk about gangs, because I want to invite our acting chair to come to Los Angeles since I come from the home of the Crips and the Bloods. Very serious gang problems in Los Angeles, but we do know about gangs. We do know how to prevent them. But we also have to address the class differences.

So, maybe we should have a hearing where we invite programs that are used with the fluent kids. You know, kids that go to private schools. And when they get into trouble the programs that they go to instead of being incarcerated. That might be really interesting to have a panel like that to talk about boarding schools where wealthy people send their troubled teens to. To talk about the mental health programs that wealthy kids have access to. Do you remember the youngster that was said to have affluenza? He had a DUI, he killed a bunch of people, and the judge felt sorry for him and said, "Oh my goodness, he suffers from affluenza."

So gangs. I want to get to the point that Ms. Ryan was trying to make when she was referring the Boy Scouts, and I want to direct this to our acting chair. You know, the difference in poor communities is that you do not have the money to belong to the Boy Scouts or Girl Scouts or participate in after school athletics. Those cost money to buy the uniforms, to participate in the activities. Kids join gangs because gangs are surrogate families. Gangs are responding to a need. If we build up our prevention programs, and we have those programs in Los Angeles, by the way. We need to have many more of them, which is why you guys need the funding so that you can deal with programs like that in your communities.

But, we do know how to address gang violence, we know how to solve these problems, but we need to have the political commitment to do so. And violence is one of the reasons why it is difficult to have. Because what happens is that you start moving in the direction of prevention and then some young person commits some horrific crime, and then everybody moves the needle, you know, back.

So, the question that I would like to ask each of you to respond to is if you had the money to invest in prevention programs could you name a couple that you might invest in or talk about programs that you already have? And in my minute and a half left, if each of you could respond to that with Mr. Vignati first.

Mr. SAINTGERMAIN. Ms. Bass, I will give you one quick thing. For example, in New York City, we have the Summer Youth Em-



ployment Program, right? During the summer times. So, right now, currently, we have 100,000 young people seeking summer youth jobs, which lasts, I think 6 weeks over the summer. But the city only have money to fund for 60,000 young people. So, in other words, we have 40,000 young people left in the streets. And we know that an idle mind is the devil's playground.

Ms. BASS. Right.

Mr. SAINTGERMAIN. So, those 40,000 young people are more likely to be involved in the streets and trying to get money the other way. So, I think one of those things is that we can fund, right, as a crime prevention measure, is summer youth job programs similar to the one I have just described.

Ms. BASS. That is why middle-class parents have their kids involved in 50 different activities.

Mr. SAINTGERMAIN. That is exactly right.

Ms. BASS. That they pay for.

Mr. VIGNATI. So, in Georgia, we have a voluntary juvenile justice incentive grant program that is just about to complete its fourth year of operation as part of our juvenile reform in Georgia. And it has served over 4,500 youth since 2013. Participating counties have realized a 53 percent decrease in commitments to the Department of Juvenile Justice over their pre-reform rates. Through the provision of these community-based services, we have been able to divert youth who would have ended up in those \$90,000, now \$100,000, beds, and we are still able to protect public safety. So, those are the types of programming that we have to look at. So, let's shift our thinking and assess, I hate to keep saying it, risk appropriately and divert the medium- and high-risk youth that would end up in our system into that programming.

Ms. BASS. Thank you.

Mr. McDONALD. Yes, thank you, representative, for the question. I think that prevention can be addressed in a couple of different ways.

One, prevention can be identified predominately as let's just keep crime from happening or keep a juvenile from committing an offense. I think programs that help address that, we do have some in Indiana, particularly in Indianapolis, which is our capital city, that are running with our public school systems. For instance, where they have in school and after school programs. Kids are receiving one, two, three meals a day. They are getting food. They are getting that kind of stuff. You know, they do not have to go to the convenience store and steal a candy bar to have dinner for instance. I am not saying that they do that, but as an example. So, programs like that are really good.

I think prevention based programs can also come from a recidivism reduction. So, if you have a juvenile that has committed an act, again, what do the assessments tell us? What types of programs can we provide for young kids? Like, we have got one in Indiana that we fund. It is a reading-based program where they use literature to teach certain fundamentals, certain characteristics and how to teach a juvenile how to address certain motives and responses throughout life through reading and education. So, I think those are other ways to address prevention or ways to define prevention to help kids that are already in the system.

Mr. CHABOT. The gentlelady's time is expired. The chair would now recognize the gentlelady from Texas for the purpose of introducing some documents into the record.

Ms. JACKSON LEE. Mr. Chairman, thank you and if I might, just thank you and all the members who came and the witnesses. And I want to acknowledge, as I put this in the record, Senator John Whitmire and former Senator Rodney Ellis from Texas who helped move Texas forward in juvenile justice reform and say to Ms. Bass that we are in tandem on the aspiration becoming a reality.

I want to introduce into the record the Pew Charitable Trust "Bending the Curve: Juvenile Justice Corrections Reform in Texas." I ask unanimous consent.

Mr. CHABOT. Without objection, so ordered.

Ms. JACKSON LEE. The early Trump budget details for youth and family services, the impact that the budget would have on the very dollars that these fine witnesses have asked, buy John Kelly. I ask unanimous consent.

Mr. CHABOT. Without objection, so ordered.

Ms. JACKSON LEE. Then, two articles in the New Yorker on the life of Kalief Browder and that is from Jennifer Gonnerman, June 2, 2016 and June 7, 2015. Excuse me, I am sorry, 2015. I ask unanimous consent.

Mr. CHABOT. Without objection, so ordered.

Ms. JACKSON LEE. I ask unanimous consent for my full statement to be placed in the record.

Mr. CHABOT. Without objection, so ordered.

Ms. JACKSON LEE. And then, ask to be placed in the record Kalief's Law, H.R. 47. Ask unanimous consent for that to be in the record.

Mr. CHABOT. Without objection, so ordered.

Ms. JACKSON LEE. Banning solitary confinement. I ask that the Tiffany Joslyn Juvenile Accountability Block Grant Program, which is a Justice Department program to give money to the States and cities. Unanimous consent.

Mr. CHABOT. Without objection, so ordered.

Ms. JACKSON LEE. I ask unanimous consent for H.R. 61, Fair Chance for Youth. That would be an expungement, but Mr. SaintGermain has said, and look at him now. I ask unanimous consent.

Mr. CHABOT. Without objection, so ordered.

Ms. JACKSON LEE. And then, ask unanimous consent for the H.R. 65 that provides the biggest leap is that we have different places for these young people to stay rather than being incarcerated. And I look forward to working with you, Mr. Chairman, and others on this. And I thank the chairman of the full committee, and the ranking member for their leadership in allowing these hearings to go forward. I wonder if the witnesses will stay and come up here so we can shake your hands and all of that. Thank you, Mr. Chairman. I yield back.

Mr. CHABOT. Thank you. Without objection, so ordered.

And the chair would ask unanimous consent that all members have 5 legislative days to extend their remarks or submit comments or questions. Without objection, so ordered. And if there is

no further business to come before the committee, we are adjourned. Thank you.

Mr. SAINTGERMAIN. Thank you, Mr. Chairman.

[Whereupon, at 12:13 p.m., the subcommittee was adjourned.]

