

**Statement of Shay Bilchik
Founder and Director, Center for Juvenile Justice Reform,
Georgetown University Public Policy Institute**

**Testimony before the
Committee on Human Services
District of Columbia City Council**

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Today, I am here to present testimony about the reform efforts and progress of the Department of Youth Rehabilitation Services (DYRS). I am Shay Bilchik, founder and Director of the Center for Juvenile Justice Reform at the Georgetown University Public Policy Institute. Prior to my current position, I served as President and CEO of the Child Welfare League of America, the oldest and largest association of agencies that directly help abused, neglected, and otherwise vulnerable children and their families. Prior to my tenure at CWLA, I served as the Administrator of the Office of Juvenile Justice and Delinquency Prevention (“OJJDP”) at the U.S. Department of Justice, after a sixteen year career as a prosecutor in Florida. Thank you, Mr. Chairman and Members of the Committee, for the opportunity to speak to you about the critical issues before you regarding DYRS.

I would like to begin my testimony with an overview of the national juvenile offending landscape in the last decade. It is a landscape that has dramatically changed and those changes are important to understand in order to appreciate the reforms underway in DYRS.

OVERVIEW OF JUVENILE OFFENDING

First, juvenile crime has decreased substantially over this time period. Today, youth crime and delinquency in the United States remain near the lowest levels seen in the past three decades. The recent data show a dramatic reduction in the rate and seriousness of juvenile

delinquency over the past ten to twelve years, contrary to the dire predictions of many “experts,” whose ominous warnings of a coming generation of “super-predators” shocked many state legislators into abandoning the core principles that have guided this nation’s juvenile justice system(s) for the last century. Those principles, separating delinquent juveniles from hardened criminals, treating youth as developmentally different from adults, and viewing young people as being inherently malleable and subject to positive change in a rehabilitative setting, are still fundamentally sound.

Although some reports from individual jurisdictions show a slight upswing in reported arrests of youth for violent crime recently, it was not a uniform increase across all categories of offending (and it may be aberrational rather than the beginning of a trend). In fact, youth crime and delinquency in the United States still remain at record low levels, with current juvenile arrest rates at the lowest levels recorded since the 1980s. Nationwide, law enforcement agencies arrest approximately 2.2 million persons under the age of 18 each year, yet in nearly half of all cases the most serious charges are larceny-theft, simple assault, a drug abuse/liquor law violation, or disorderly conduct. According to Federal Bureau of Investigation (FBI) crime statistics, juvenile arrests for serious violent offenses comprise a small percentage of all juvenile arrests. Yet we should see the recent uptick in juvenile arrests as a possible warning that we cannot safely continue to reduce our commitment to effective programming for at-risk and system involved juveniles if we are to sustain our progress and provide services at a level needed to give every youth the chance to succeed and become a productive and law-aiding citizen. These trend lines and cautions also apply to the District of Columbia. In 2007, only 14% of all juvenile arrests in the District of Columbia were for serious violent offenses, while the remaining 86% of arrests consisted of less serious types such as larceny, vehicle theft and misdemeanor offenses. While

this is somewhat reassuring news, the fact remains that these figures are still much higher than we would like.

CHALLENGES TO THE JUVENILE JUSTICE SYSTEM

Second, every year, juvenile courts handle an estimated 1.6 million delinquency cases and adjudicate youth delinquent in nearly 7 of every 10 petitioned cases. The daily census of youth under age 18 who are incarcerated is 97,000. Many youth who are confined have committed non violent offenses and are highly amenable to the benefits of rehabilitative services and supports provided in non-institutional home and community-based settings. Juveniles coming before the courts have been shown to suffer from a higher than average incidence of mental or other behavioral health problems, learning disabilities, and school failure, and to have inadequately addressed family intervention and support needs. Moreover, for more than two decades, state-level data have shown that youth of color have been overrepresented at every stage of the juvenile justice system. In fact, research indicates that youth of color are detained more often and for longer periods of time than their white counterparts even when charged with similar offenses.

Additionally, some researchers estimate as many as 200,000 youth have their cases processed in adult criminal court each year as a result of prosecutorial or judicial waiver, statutory exclusion for certain offense categories, or because they reside in one of 13 states with a lower age of criminal jurisdiction than age 18 (age 16 in 3 states and age 17 in 10 states). As a result of increased prosecution of youth in adult criminal courts in the states, the number of youth in adult jails has increased so that, on any given day, an estimated 7,500 youth under the age of 18 are inmates in adult jails.

NEW KNOWLEDGE ABOUT WHAT WORKS

Third, we have learned a tremendous amount about what works to prevent and reduce juvenile delinquency. From the growing body of research on child and youth development, the development of the adolescent brain, and effective programs and practice, we now have more evidence about what works in turning these young lives around and correcting their behavior than we did a decade ago. Additionally, we have increasingly recognized the importance of evaluating programs in order to enhance their effectiveness and foster replication.

In October of 2004, the National Institutes of Health (NIH) convened an independent “state-of-the-science” panel to address the important issues of preventing violence and related health-risking social behaviors in adolescents. The panel, which consisted of thirteen distinguished experts from a variety of disciplines and was charged with assessing the available evidence on preventing violence and other risky behaviors on the part of adolescents, released a report that same month summarizing its assessment of the current research. The report is of significant importance to all those who make policy governing juvenile programs. It concluded that “a number of intervention programs have been demonstrated to be effective through randomized controlled trials” and it spotlighted two particular programs that it found are clearly effective in reducing arrests and out-of-home placements: Functional Family Therapy and Multisystemic Therapy. Among the significant characteristics that these two programs have in common are a focus on developing social competency skills, a long-term approach rather than a “simple” short-term “fix,” and the involvement of the family as well as the youth in the program. The two programs maintained positive results for nearly four years after the treatment ended.

The work of the NIH panel complemented and reinforced the Blueprint Series on effective programs developed by Dr. Delbert Elliott, in which he and a team of researchers identified 11 “gold standard” delinquency prevention and intervention programs.

Programs that connect children to caring adults and provide constructive activities, especially during the after-school hours of 3:00pm to 6:00pm—the “prime time for juvenile crime” on school days— are among our most powerful tools for preventing crime. For example, a study compared five housing projects without Boys & Girls Clubs to five receiving new clubs. At the beginning, drug activity and vandalism were the same. But by the time the study ended, the projects without the programs had 50 percent more vandalism and scored 37 percent worse on drug activity. Similarly, a study of another quality youth development program, Big Brothers Big Sisters, found that young people who were randomly assigned to a Big Brother or Big Sister mentor were about half as likely to begin illegal drug use and nearly one third less likely to hit someone compared to those who were assigned to a waiting list.

NEW KNOWLEDGE ABOUT WHAT DOESN'T WORK

In addition to gleaning new knowledge about what works, we have also learned a great deal about what does not work. The NIH independent panel I mentioned earlier concluded that “get tough” programs that rely on “scare tactics” for the purpose of preventing children and adolescents from engaging in violent behavior are not only ineffective, but may actually make the problem worse.

The panel found that many residential “get tough” programs, including group detention centers, boot camps and other similar residential programs, often exacerbate existing problems among adolescent youth by grouping together those with delinquent tendencies, where “the more

sophisticated instruct the more naïve.” Similarly, it concluded that the practice of transferring increasing numbers of juveniles to the adult criminal justice system also can be counterproductive, resulting in greater violence among incarcerated youth and increased recidivism when they are ultimately released.

JUVENILE JUSTICE REFORM IN THE DISTRICT OF COLUMBIA

Vincent Schiraldi is among a group of juvenile justice professionals who have taken this research and used it to institute real and effective reform efforts. There is growing evidence that DYRS is demonstrating what a reformed system can do to both ensure the rehabilitation of the youth in their custody and protect the community. The transformation of a juvenile justice system is not easy and doesn’t take place without a strong and sustained effort. It requires a strong leader and the commitment from a governing board that is unwavering and understanding of the successes and failures that will take place during the reform efforts. In each instance where I can cite a successful reform effort, it took place over a sustained period of time with stable leadership and great political and public will.

It is my opinion that the District of Columbia currently has the opportunity to dramatically improve its juvenile justice system and experience the kind of improved outcomes for its most challenged and challenging young people that it desires. You have a strong, wise leader who understands what it takes to improve public safety while also achieving better results for the youth who become known to DYRS and a committed City Council. This Committee should be proud of the steps that DYRS has taken. By reflecting best practice and returning the focus to treatment and community supports for low to moderate risk youth, and conserving expensive institutional resources for high-risk offenders, DYRS is meeting the mandate

established by the Blue Ribbon Commission on Juvenile Justice & Public Safety. The recommendations of the Commission, unanimously approved by the City Council, serve as a strong blueprint for juvenile justice reform in the District. The strength of this blueprint and evidence of how well it has been implemented can be found in the successes that it has helped to generate. For example, the rate of DYRS youth who are victims of homicides has dropped by more than half in just two years (1.6% in 2005; .7% 2007 to date) and youth on runaway status has dropped from 26 percent of the DYRS caseload in 2005 to just 3 percent today – more than an 85% reduction. But as we are all aware, numbers do not tell the whole story. In this case, the numbers tell a tale that is supported by the actions of DYRS’ primary critics. I speak of critics who do not mistakenly believe that data is the plural of anecdote, but carefully analyze the numbers and trend lines and see the progress that is being made by DYRS. Specifically in this instance, I speak of the plaintiffs in the Jerry M. case, who in December rescinded their petition to place the DYRS in receivership because they had seen more progress in the past two years than the previous twenty. There should be little doubt that DYRS is in the middle of profound changes that are benefitting the youth, families and communities of this city. These efforts surface in reforms targeting the reduction of children of color being unnecessarily held in detention and a greater focus on prevention efforts, through the use of creative and effective programming. The department has developed, for example, two programs that reduce the number of accused youth locked in detention pending trial. Evening reporting centers supervise youth after school each day of the week, while community youth workers monitor youth, requiring three face-to-face visits per day. The programs have enrolled nearly 500 youth, achieving 93 percent and 95 percent success rates in preventing re-arrests and ensuring that youth appear at court hearings. This is real data. This is significant and profound change.

There will always be aberrations from the successes we all expect and demand from our systems of care, including the juvenile justice system. The true test of leadership around juvenile justice reform efforts, however, is whether we will hold ourselves accountable for those failures without abandoning the fundamental principles that underpin those reforms. We must learn from our mistakes, make adjustments to ensure that they are not repeated, and keep moving forward.

The goal of treating children and youth in an age-appropriate manner and providing them with developmentally appropriate, evidenced-based services and supports, and ensuring when needed that sanctions are appropriate to a youth's age and offense, is fundamentally sound and will result in less delinquency, improved public safety, and better long term outcomes for our young people. This is exactly what we would want for our own children and we should expect and demand no less for the city's children.

There are two areas which warrant additional comment: the workforce and mental health services. The juvenile justice workforce carries out the intent of the District's juvenile justice provisions and the work undertaken each day with our youth in the system. It is a group of dedicated, but too frequently poorly supported workers – intake, caseworker, court, detention and correctional facility, legal, and judicial staff. We have historically seen a poor track record in the recruitment and retention of this staff, similar to what we have seen in other child serving areas, e.g. child welfare. They too often are paid too little, inadequately trained, given too few of the tools they need to do their work, poorly supervised and given extraordinarily high workloads. That has begun to change under Director Schiraldi's leadership, but efforts need to be made to further professionalize this workforce. I suggest the development of DYRS/university partnerships to provide entry level and in service training for juvenile justice staff. I also encourage partnerships between DYRS and universities to help identify and support the

development of a career track for students interested in working with youth and families involved in the juvenile justice system. This career track would include internship experience and tuition subsidies for any student who commits to work in a juvenile justice agency within the District for a minimum period of time. Time and again we hear from young people in the juvenile justice system who succeed in turning away from crime, that what made the difference was a connection to a person in the system – a caseworker, probation officer, lawyer, or judge, who had a profound impact on their life. It is this workforce that needs to be better supported to do its life changing work.

The other area on which I wish to focus in greater depth is the provision of mental health services for youth in the juvenile justice system. Studies have shown that nationally as many as 70 percent of youth in the juvenile justice system have a diagnosable mental health disorder. Of those, up to 60 percent have a co-occurring substance abuse disorder. This is an issue that must also be addressed in the District of Columbia. The problems of juvenile mental illness and associated problems of juvenile delinquency and crime are mutually reinforcing. Combating the underlying issues of mental illness and substance abuse among juvenile offenders will result in reduced recidivism and, ultimately, safer communities.

Research has shown that providing youth who suffer from mental health and/or substance abuse disorders with effective mental health services reduces arrest rates and yields significant savings by preventing future criminal justice costs. The provision of community-based mental health services for youth suffering from mental health disorders has also been shown to lead to a significant reduction of youth placements in juvenile detention and other secure facilities.

I encourage you to continue to work with Director Schiraldi to ensure that he has the tools he needs in each instance, including in relation to both his workforce and the mental health services for the Department's clients.

Mr. Chairman and members of the Committee, thank you for your consideration. I look forward to the continuing progress under Director Schiraldi's leadership and the support that this Committee and the City Council as a whole will provide.

Thank you for your consideration.