

**STATEMENT
SUBMITTED BY LIZ RYAN
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Thank you for providing me the opportunity to testify today on behalf of the Youth First Initiative. My name is Liz Ryan and I am the President and CEO of the Youth First Initiative, a national initiative to end youth incarceration by dismantling the youth prison model, close youth prisons and redirect resources to community-based alternatives to incarceration.

PROBLEMS WITH INCARCERATION OF YOUTH:

Despite the fact that youth don't drive crime rates, are less likely to engage in violent crime and are often exposed to violence or are victims of violence before they ever touch the juvenile justice system, states are still using incarceration as a first step for children instead of as a last resort. That decision decreases public safety, drives up costs and yield poor youth development outcomes. In the U.S. on any given day, there are 50,000 youth in a detention or correctional facility or other out-of-home confinement in the juvenile justice system in the United States.ⁱ The research shows numerous problems with incarcerating youth, such as:

Safety: The abuse of incarcerated youth in the juvenile justice system is well documented in news reports, lawsuits, studies and incarcerated youth themselves.

Not a week goes by without a headline in a newspaper in the U.S. citing abuse of an incarcerated youth. In the past month alone, there have been child deaths in custody, reports of abuses of incarcerated youth by staff, and litigation over abusive treatment of youth in numerous states. For example, in Texas, a thirteen year old boy died in a youth prison, the Ron Jackson Juvenile Correctional Facility. The Texas Juvenile Justice Department is investigating the death. In Arkansas, allegations of abuse were recently reported in the press at

the Arkansas Juvenile Assessment and Treatment Center, even after the facility was taken over by another operator.ⁱⁱ In New Jersey, litigation was filed against the New Jersey Juvenile Justice Commission over the sexual abuse of a youth formerly incarcerated at the New Jersey State Training School. And today in Wisconsin there is a hearing to decide whether to grant an injunction to stop the abuses at Lincoln Hills in Irma, Wisconsin, the nation's largest youth prison. Witnesses at the hearing are testifying to the fact that the staff at the facility utilize solitary confinement for 15-20% of the youth held there for weeks at a timeⁱⁱⁱ, staff engage in unsafe and harmful practices such as using pepper spray and excessive use of restraints on the youth. That facility is the subject of numerous lawsuits over the abusive treatment of youth.

The abuse of incarcerated youth is increasing according to a report that documents an increase in the number of states where youth have been abused since 2000, from 22 states to 29 states.^{iv} Youth face physical abuse, excessive use of force by facility staff, sexual abuse, over-reliance on isolation and restraints, staff on youth violence, and youth on youth violence.

Surveys^v of youth are consistent with these data reports. Incarcerated youth when surveyed by the U.S. Department of Justice showed that 42% of youth were somewhat or very afraid of being physically attacked, 45% said staff used force when they didn't need to, and 30% said staff place youth in solitary confinement or lock them up as discipline.

Lack of fairness: The youth incarceration system disproportionately impacts youth of color. For example, according to the latest data from the U.S. Department of Justice, African-American youth are 4.6 times more likely to be incarcerated than white youth.^{vi} Latino youth are 1.8 times more likely to be incarcerated than white youth^{vii} and Native American youth are 3.2 times more likely to be incarcerated than white youth.^{viii}

These facts are often undermined by a false impression that youth of color commit more crime than white youth. That is simply not true. Results from self-report surveys indicate that white youth are in fact significantly more likely than youth of color to engage in delinquent behavior such as using drugs and alcohol.

Unfortunately racial and ethnic disparities in the incarceration of youth are increasing. Recent research shows that, "While the total number of incarcerated youth has declined in many states, the proportion of youth of color among all youth reentering court dispositions grew substantially between 2002 and 2012."^{ix}

Unfairness and inequities in the justice system also extends to other youth populations such as girls, LGBT youth, and youth with disabilities.

Ineffectiveness: By placing youth in correctional settings, research shows that it increases the likelihood that youth will reoffend. For example, recidivism rates for youth in youth prisons are very high. Within three years of release, around 75% of youth are rearrested and 45 to 72 percent are convicted of a new offense.^x Research demonstrates that incarcerating youth is iatrogenic. In other words, youth are worse off after being incarcerated.^{xi}

Over-reliance: The vast majority of these youth, detained or incarcerated, in the juvenile justice system do not pose a serious threat to public safety, yet jurisdictions are over-relying on incarceration, unnecessarily subjecting youth to harm and increasingly the likelihood of further system involvement.

Harmful impact on families: Incarcerating youth breaks crucial family ties and penalizes families. Youth are often placed in facilities far from their families, with limited access and

visits.^{xii} Families are often not included in the treatment plans for youth even though the research confirms that the most effective programs in juvenile justice draw on family strengths.

Negative educational impact: Incarceration also puts kids further behind in school. Education for youth inside of correctional facilities often is not aligned with state curricula or quality standards as shown by a ground breaking study released by the Southern Education Foundation in 2014 that says, "The data shows that both state and local juvenile justice systems are failing profoundly in providing adequate, effective education in the south and the nation."^{xiii}

Poor return on investment: States spend the largest chunk of their juvenile justice funding on incarceration in youth prisons and other confinement settings, topping spending at over \$5 billion a year.^{xiv} Thirty-four states spend more than \$100,000 or more on the most expensive confinement option for a young person.^{xv}

Community-based alternatives are more effective: By contrast, community-based alternatives to incarceration could more effectively serve youth and at substantially less cost. Community-based programs cost \$75 per day in contrast to \$241 per day for incarcerating a young person.^{xvi}

STATE REFORM TRENDS: In the last decade, a number of states have enacted youth decarceration reforms to reduce their reliance on incarceration, close youth prisons, invest in alternatives and improve outcomes for youth and communities. These efforts have been led by a bipartisan group of state policymakers and been enacted in all regions of the country. These reforms have produced impressive results. As a result, overall, youth incarceration has been cut in half in the last 10 years and is at a 40 year low.

Recently the Youth First Initiative released a report, *Breaking Down the Walls*, showcasing reforms in Texas, California, New York, Mississippi, Louisiana and the District of Columbia:

Texas: In Texas, after a sexual abuse scandal at the Texas Youth Authority, youths' families and Texas advocates advocated to close state youth prisons, reduce incarceration and redirect funds to support youth in their communities. The state legislation enacted as a result significantly reduced the number of incarcerated youth by 61 percent^{xvii} between 2007-2012. The study also showed that incarcerating you was not protecting public safety; youth incarcerated in state facilities are 21% more likely to be arrested and three times more likely to commit a felony than youth kept under community supervision.

New York: New York state closed 20 youth prisons, a move that was championed by activists and youth organizers, including the Youth Justice Coalition, with the leadership of Gladys Carrion, head of New York's state system.

California: California advocates worked to reduce the state's youth incarceration population from close to 10,000 in the mid-1990s, to 666 at the end of 2015, and to close 8 youth prisons (out of the 11).

Mississippi: Mississippi undertook reforms in the wake of a 2002 US Department of Justice report about stark conditions and abusive treatment of youth in Mississippi's youth prisons. Mississippi reduced the number of children held in custody, closed a youth prison, two youth detention facilities and a prison specifically for children tried as adults.

Louisiana: Spearheaded by families of incarcerated youth who advocated to close the Tallulah youth prison, the legislature approved comprehensive juvenile justice reform

legislation that resulted in the closure of the Tallulah youth prison and reducing the use of incarceration from 2,000 youth to 350 youth.

District of Columbia: The District of Columbia closed the notorious Oak Hill youth prison, redirected the resources to substantially increasing the availability of community-based services for youth through the DC Youth Link, created a cabinet-level agency to increase transparency and accountability, and put in place a smaller, more therapeutic facility for the few youth who pose a risk to public safety and need secure care.

More recent youth decarceration reforms include:

Kansas: Kansas enacted comprehensive reform legislation, SB 367, in April 2016 to reduce the use of pre-adjudication detention, expand diversion, increase evidence-informed programs in the community, and establish a Juvenile Justice Improvement Fund to make sure that the costs avoided from incarceration would be put into community-based services. To date, the youth incarceration population has dropped 40 % as a result and Kansas closed the Larned youth prison in March, 2017.

Connecticut: Connecticut advocates called for the closure of the Connecticut Juvenile Training School (CJTS) in the wake of a scathing report about the conditions at the facility and the release of videos documenting horrific abuse at the facility. As a result the governor committed to closing CJTS by July 1, 2018 and the Department of Children & Families (DCF) announced plans to create a continuum of care for youth in the community.

Virginia: The governor and the Department of Juvenile Justice created a plan to transform the juvenile justice system in Virginia and the Virginia General Assembly approved budget language in 2016 that redirects resources for youth prison closures to community-based

alternatives to incarceration. The Virginia Department of Juvenile Justice is creating a continuum of care with several regional care coordinators, and is closing the Beaumont juvenile correctional center by the end of this month.

Utah: Earlier this year, Utah approved HB 239 to reduce incarceration by keeping youth with low level offenses and limited delinquency history out of the juvenile justice system, improving diversion options, and requiring that the Work Camps and residential Observation and Assessment facilities are closed.

OPPORTUNITY FOR ACCELERATING STATE REFORMS: We have a unique opportunity to accelerate youth decarceration reforms in juvenile justice because of the research on what works to improve outcomes for youth and the public's strong support for rehabilitation over incarceration.

There is a rich body of research on adolescent development and evidence-informed programs that effectively reduce juvenile delinquency. The National Academy of Sciences (NAS) conducted an exhaustive four year study on juvenile delinquency and their report on the research states that youth are less able to regulate their own behavior in emotionally charged contexts, are more sensitive to external influences (e.g. peer pressure) and they show less ability to make judgment and decisions about the future.^{xviii} This research underscores the historic, long-standing legal and policy basis for separate state juvenile justice systems that are predicated on the notion that children are different from adults; that they have the capacity to change and are capable of rehabilitation as they are still growing and developing.

In addition to the research, the public strongly supports rehabilitation over incarceration of youth. Recent public opinion polling shows that juvenile justice reform is strong across all

political parties, regions, ages, gender and racial and ethnic groups.^{xix} Polling shows that the public strongly favors rehabilitation and treatment approaches, such as counseling, education, treatment, restitution and community service, over incarceration. The public also strongly favors involving youths' families in treatment, keeping youth close to home, and ensuring youth are connected with their families. The polling shows consistent results from individuals who have been impacted by incarceration as well as crime survivors.

RECOMMENDATIONS: In that vein, the Congress can take steps to accelerate youth decarceration reforms in the states by: **(1)** Incentivizing states to reduce their reliance on incarceration by downsizing, closing and/or repurposing youth prisons and reinvesting in evidence-informed, community-based, non-residential alternatives to incarceration; **(2)** Providing incentives to states to shift their focus on incarceration to evidence-informed, community-based, non-residential alternatives to incarceration; **(3)** Reauthorizing, strengthening and fully funding the Juvenile Justice & Delinquency Prevention Act (JJDP); and **(4)** Engaging directly impacted youth and their families impacted by the justice system by establishing an independent National Technical Assistance Center on Family & Youth Engagement to provide support to state/local justice and child-serving agencies interested in expanding family engagement programs in juvenile justice, creating incentives for state and regional Parental Information Resource Centers to integrate support services for families involved in the justice system, and explicitly requiring the inclusion of family members on the Federal Coordinating Committee on Juvenile Justice & the JJDP required State Advisory Groups (SAGs).

The National Juvenile Justice & Delinquency Prevention Coalition (NJJJPC) have put forward a comprehensive set of recommendations^{xx} for Congress to consider, including these recommendations.

Altogether, these recommendations would support states in reducing their over-reliance on incarceration while increasing public safety, support and encourage the creation of an array of alternatives to incarceration, engage youth and families in the solutions to youth incarceration, reduce inequities in the juvenile justice system and ultimately contribute to reduced state spending on ineffective solutions and to reduced federal prison spending.

I applaud this subcommittee for considering these issues and am pleased to be a resource to this subcommittee as you consider these issues and potential policy reforms on juvenile justice. Thank you for your time and consideration.

END NOTES

ⁱ *Prisoners in 2013*. (2013) Washington, D.C.: Bureau of Justice Statistics.

ⁱⁱ "Abuse Again at Arkansas Juvenile Lockup," Arkansas Nonprofit News Network. May 26, 2017. Article online at: <http://arknews.org/index.php/2017/05/26/abuse-again-at-arkansas-juvenile-lockup/>.

ⁱⁱⁱ "27 Teens Kept in Solitary Confinement on Average Every Single Day in Lincoln Hills," Milwaukee Journal Sentinel. June 9, 2017. Article online at: <http://www.jsonline.com/story/news/2017/06/09/27-teens-kept-solitary-confinement-average-every-day-lincoln-hills/385805001/?hootPostID=3cedbd9c2a8051301aac09f3b52fef7d>

^{iv} *Maltreatment in Youth in U.S. Correctional Facilities*. (2015). Baltimore, MD: The Annie E. Casey Foundation.

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- ^v *Conditions of Confinement: Findings from the survey of youth in residential placement.* (2010). Washington, D.C.: Office of Juvenile Justice & Delinquency Prevention.
- ^{vi} *Unbalanced Juvenile Justice.* (2015) Haywood Burns Institute. Oakland, CA. Available at: <http://data.burnsinstitute.org/#comparison=2&placement=1&rac=2,3,4,5,6&offenses=5,2,8,1,9,11,10&year=2011&view=map>.
- ^{vii} *Ibid.*
- ^{viii} *Ibid.*
- ^{ix} *Stakeholders' Views on the Movement to Reduce Youth Incarceration.* 2014. National Council on Crime and Delinquency. Oakland, CA.
- ^x *No Place for Kids.* (2011) Baltimore, MD: Annie E. Casey Foundation.
- ^{xi} Aizer, Anna and Joseph Doyle Jr. (2013) "Juvenile Incarceration, Human Capital and Future Crime." NBER Working Paper No. 19102. Available at: http://www.mit.edu/~jjdoyle/aizer_doyle_judges_06242013.pdf.
- ^{xii} *Family Comes First.* (2013) Washington, D.C.: Campaign for Youth Justice.
- ^{xiii} *Just Learning.* (2014). Atlanta, GA: Southern Education Fund.
- ^{xiv} *Ibid.*
- ^{xv} *Sticker Shock.* (2014). Washington, D.C.: The Justice Policy Institute.
- ^{xvi} *Safely Home.* (2014). Washington, D.C.: Youth Advocate Programs, Inc.
- ^{xvii} *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms.* (2014). New York, NY: Council of State Governments.
- ^{xviii} *Reforming Juvenile Justice: A Developmental Approach.* (2012) Washington, D.C.: National Academy of Sciences.
- ^{xix} Poll Results on Youth Justice Reforms (2017). Washington, D.C.: GBA Strategies. Available at: <http://www.youthfirstinitiative.org/wp-content/uploads/2017/02/Youth-First-Initiative-National-Poll-2017.pdf>.
- ^{xx} *Recommendations for the 115th Congress.* (2017). Washington, D.C.: National Juvenile Justice & Delinquency Prevention Coalition. Available at: http://promotesafecommunities.org/images/2017_Promoting_Safe_Communities.pdf