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U.S. House of Representatives

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**Statement of
The Honorable Bob Miller
Governor of Nevada**

before the

**Committee on Education and Labor
Subcommittee on Human Resources
U.S. House of Representatives**

on

**The Reauthorization of the Juvenile Justice
and Delinquency Prevention Act**

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Mr. Chairman and distinguished members of the subcommittee, I am pleased to have this opportunity to appear before you today on behalf of the nation's Governors to discuss the Juvenile Justice and Delinquency Prevention Act and the general issue of our American youth in trouble. I will begin my testimony by discussing the highlights of Kids in Trouble, a study by the National Governors' Association last year. This study reflects many of the concerns and issues involved in the reauthorization of the Juvenile Justice and Delinquency Prevention Act and its impact on states.

With a grant from the Pew Charitable Trusts, the National Governors' Association (NGA) undertook a project to examine youth who had problems adjusting in society or who would have become a part of the juvenile correctional system in the nation. The project understood that although systemwide prevention efforts are essential to keeping youth from entering the juvenile justice system, effective intervention programs also must be developed for youth who commit delinquent acts. They wanted to explore the problems in developing successful comprehensive programs that could address the social, psychological, educational, and vocational needs of these youth who were in trouble.

I am providing a copy of the report for the record, and I have asked my staff to make a copy available to each subcommittee member. Extra copies may be obtained by contacting the NGA office.

First, the report describes the challenges that youth in trouble present to the service delivery system. Second, it suggests strategies for bringing about change in the system for dealing with kids in trouble. Finally, it presents some of the barriers to changing the system for dealing with youth in trouble.

The challenge is to balance the need to protect the public, provide appropriate punishment, and rehabilitate youthful offenders. Young people who violate laws and other society customs must be developed into productive citizens. Because they often have a multitude of problems, they require comprehensive services to successfully return to their communities.

Although efforts have been made to offer a range of services in institutional settings, too many juvenile offenders do not receive the range of services required for successful rehabilitation, and too many of them become repeat offenders. In fact, it was reported that 60 percent of the youth in long-term institutions in 1987 were repeat offenders. More than 20 percent had been admitted three times or more.

There is no doubt about it, correctional facilities for juveniles are expensive to construct and operate, and the costs are increasing rapidly. The 1989 report, Children in Custody, stated that nationally, the annual per resident costs averaged \$29,600 in 1988. Per annum average cost for individual states ranged from a low of \$17,600 to more than \$78,000. Juvenile facilities in total spent \$1.67 billion on salaries, food, utilities, and other operating costs in 1988.

The high cost of building and operating correctional facilities certainly should encourage us to look beyond confinement for ways to address this country's juvenile crime problem. However, at least equally compelling is evidence that a significant proportion of troubled youth may not require institutionalization. Community-based programs that provide comprehensive individualized services could be a less expensive alternative. With appropriate supervision, the risk to public safety can be minimized. Moreover, addressing the variety of needs of young offenders could reduce the likelihood that they will commit additional offenses once they return to their communities. Often offenders come from dysfunctional families, have learning disabilities, or have a history of substance abuse. A survey of youth in long-term, state-operated juvenile institutions in 1987 revealed that only 30 percent were living with both parents; 52 percent had a family member who had been incarcerated; 32 percent were under the influence of alcohol at the time of the offense; and 39 percent were under the influence of drugs at the time of the offense.

If the goal is to rehabilitate these youth and return them to society, then programs with connections to the community and the family are crucial to their successful reintegration. It has been suggested that treatment of many of the problems faced by these youths is enhanced if they remain with their families or in small community-based programs. This approach would include comprehensive individualized care focusing on the range of services available at the community level, such as mental health care, drug and alcohol treatment, education, social welfare and vocational training.

Designing and implementing programs that integrate youth correctional programs with social services, health and mental health services, education, and vocational programs may require some basic changes in how the issue is approached. Some actions that may be considered include: first, the development of an understanding of the characteristics of youth in the justice system by requiring data collection; second, identifying the available services for delivery to youth correctional programs and how they can be coordinated; third, establishing a planned and coordinated mechanism to alleviate turf issues and foster collaboration; fourth, creating a continuum of care from prevention programs to service facilities that emphasize the community-based concept; fifth, making sure that there are systemwide goals, performance measures, and mechanisms to ensure agency accountability; sixth, establishing a process to oversee the development and implementation of individualized rehabilitative programs; and finally, providing more flexibility in funding to allow programs to reduce eligibility barriers and simplify administration.

These changes and actions will face many barriers. One barrier is that access to certain social services often is hindered by limited funding and restrictive categorical eligibility requirements. For example, some juvenile offenders who need mental health services cannot access the mental health system unless they have been given certain psychiatric diagnoses. Some youth may be eligible for certain job training programs while in an institutional setting, but ineligible when they return home to enroll in a day treatment program. Coordinating these eligibility requirements can contribute to a comprehensive service delivery system.

As public officials, we recognize that the public is often concerned about the impact of community-based alternative programs on their communities and may feel that such programs do not appropriately punish juvenile offenders. However, adequate assessment of the risk that each youth poses to the community should result in the referral of only those youth who can be safely managed in a community-based program. Moreover, these programs can combine necessary restrictions with more effective treatment and rehabilitation programs and help ameliorate the worries and concerns from community citizens about crime and property values. Information and an understanding of the risk posed by the youth could allay their fears. In some instances, the youth in the community facilities develop a warm relationship with the neighbors, working and using community facilities and learning to become productive citizens.

Kids In Trouble provides a valuable overview of innovative approaches to program design and coordination of services for dealing with youth. Although this is a complex and difficult societal problem, with collaborative efforts and comprehensive social services and care for these youth, most will be successfully reintegrated into community life and continue to become productive adults.

A great deal of the impetus and encouragement to deal with the problems of delinquent youth has been provided by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. As enacted, that act had two original objectives: to remove status offenders from secure correctional institutions; and to assure that adult and juvenile offenders were separately confined in

correctional facilities. Subsequent amendments prohibited the detention of juveniles in jails and lockups intended for adult offenders. In addition, the Congress created Missing Children's Assistance, a law-related education initiative, drug abuse education and prevention, and child abuse training programs, and established an initiative to provide treatment for juvenile offenders who are victims of child abuse or neglect.

The nation's Governors support the act's objectives and encourage maintenance of state and federal efforts toward these objectives' enactment. Collectively, the states are reporting significant progress on all of the act's objectives. Moreover, the Governors support the act's overall structure and scope, which we believe permits states sufficient flexibility to balance public safety and social services objectives in addressing the problems of all troubled youth that come in contact with the justice system. The money allocated to states under the formula grants of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the U.S. Department of Justice has been effectively used in various ways. Some states have established education-based programs to prevent delinquency, while others have established alternative programs to the confinement of status and minor offenses committed by youth; still others have established training programs for youth service personnel.

In Nevada, we have been participating in the OJJDP Formula Grants program since 1987. In just five years, we have eliminated the holding of juveniles in adult jails and significantly reduced the number of status offenders held in secure detention to the point where Nevada is in full compliance with the Act.

Formula grant monies have been instrumental in our success and in our ability to monitor Nevada's continued compliance with the act. As you are aware, the bulk of funds are passed through to counties and private youth-serving agencies, who in turn operate programs that further the goals of the act. An outstanding example of a JJDP-funded program in Reno, Nevada, is The Children's Cabinet, a unique private-public partnership that utilizes an interagency approach to diverting status offenders from the traditional juvenile justice system. When a truant is brought by police to this program, he or she is met by representatives of juvenile probation, mental health, social services, and the school district who provide a collaborative assessment and treatment plan designed to assist the youngster and the family as well.

In other areas of the state, JJDP funds are employed to provide emergency crisis intervention on a 24-hour basis, as well as to support the activities of day treatment programs that use tutoring and life-skills development to improve the academic and social performance of young offenders. Many jurisdictions have developed additional resources following the initial success of these projects.

One of the concerns in my state and most other states is that over the past few years there has been a phenomenal increase in violent juvenile crime and gang-related activities among youth. The 1989 Children in Custody report recognizes this increase in serious juvenile offenses and stated that: "For the first time since 1983, the number held for serious, violent offenses

including murder, non-negligent manslaughter, robbery, and aggravated assault increased, 8 percent overall since 1987 and 17 percent for females." These numbers are frightening and reminds us of the work to be done.

Last October, I hosted a National Conference on Youth Gangs and Violent Juvenile Crime in Reno, Nevada. The purpose was to generate an increased understanding of youth gangs and violent juvenile crime in this country and promote discussion of policy, legislative, and programmatic options for reducing youth violence and involvement in gang-related activities.

During the conference, we heard the attorney general of New Jersey, Robert Del Tufo, say that there has been a substantial increase in violence among New Jersey's youth. They have responded by increasing the Drug Awareness Resistance Education (DARE) programs in schools, aimed at prevention; sought incarceration for the most serious offenders; created more inpatient and outpatient drug treatment programs; and sought dispositional alternatives for less serious offenders. Also, they have focused on drug abuse prevention, job programs for youths, neighborhood revitalization, and schools designated as safe havens for children and youth.

Dr. Alfred Blumstein discussed the demographics of youth violence and the policy implications of this problem for the future. Because most robberies are committed by persons in their late teens and most murders are committed by individuals in their early 20s, he said that we can expect an increase in these crimes in the future as this age group increases. Dr. Blumstein

suggested that crime prevention programs should focus on youth and should involve communities, and stress better child socialization, with schools taking a larger role in the process.

One of the most distressing presentations was that of Assistant District Attorney of New York County, Ms. Elizabeth Lederer, who prosecuted the highly publicized case of the rape of a jogger in New York City's Central Park. In that case, 30 kids between the ages of 13 and 18 were involved in a random group violence that has been labeled as "wilding." For them, it was a recreational activity, a way to have a little fun and kill some time. And the consequence was the rape and beating of a female jogger, and the injury of several others. According to Lederer, most of the youths involved did not know each other before the incident. They had been gathered randomly by a few instigators, and joined either for the entertainment or for fear of reprisal if they refused.

After the incident during police interviews, the youths gave details in a matter-of-fact way, showing no sign of remorse for their actions, and little understanding of the enormity of what they had done. They told the investigating officers that they went on the "wilding" rampage for "something to do, to have fun," Lederer says.

Hearing about this incident was an eye-opener because it tells us that addressing many of the problems of our youth requires action beyond the scope of law enforcement. It reenforces the need for more prevention activities with programs for younger children to occupy their time and aid in their social development.

It is youth like these and all youth who must continue to be the focal point of the Juvenile Justice and Delinquency Prevention Program. They point to why the legislation creating the program must be reauthorized and funded. The nation's Governors commend Congress for its continuous support of OJJDP even when there were attempts to abolish it. Your support, encouragement, and resources have been of great benefit to the youth in this nation.

Also, we complement OJJDP Administrator Robert Sweet on his management of the justice program. His job is a particularly challenging one, and we appreciate greatly his uncompromising commitment to administering the act in the manner and spirit that we believe the Congress intended.

The Governors want to be partners with you and the administration in developing programs that work, programs that bring together state, local, and federal policymakers, criminal justice officials, public and private sector services providers, and educators to address the problems among our youth.

In reauthorizing the Juvenile Justice and Delinquency Prevention Program we urge you to continue the current program with minimal changes. We ask you to empower states with as much flexibility as possible to deal with delinquent and youthful offenders. The block grant program enable states to develop innovative programs to deal with youthful offenders, be they in rural or urban areas. Mandates and earmarkings will only frustrate the implementation of programs needed to serve our youth.

Furthermore, NGA urges that the reauthorization legislation should be cognizant of the following principles:

- The state agency designated by the Governor to develop a state's criminal and juvenile justice plan should coordinate all juvenile justice programs. No program should be funded directly under the act without the advice and comments of this agency.
- Discretionary grants should provide an equitable share of funds to rural and urban states for the development of juvenile justice programs.
- Special programs designed by the federal government to deal with youth involvement in gang and illegal drug activities and other forms of violent crime should be coordinated with the appropriate state agencies responsible for youth policy development.

Following these principles, Mr. Chairman, we can develop a true partnership that will benefit our youth.

No issue on this country's domestic agenda poses a greater threat to the safety and future of this nation than youthful offenders. Young men and women who murder, assault, rob, and traffic in illicit substances strike fear in the hearts of our citizens and challenge those of us who are public servants. This is not the job of the criminal justice system alone. Parents, teachers, police officials, prosecutors, elected officials, the medical and social

services communities, and business and industry leaders must assign this problem the highest priority. We must take up the challenge to intervene in the criminal and delinquent behavior of youth and work together to redirect their energies toward becoming productive and responsible citizens.

By reauthorizing the Juvenile Justice and Delinquency Prevention Act, you will provide the necessary tools to continue this job.

Thank you Mr. Chairman. I would be pleased to answer questions from the committee.