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Testimony before the House Committee on Education and the Workforce Hearing on
“Reviewing the Juvenile Justice System and How It Serves At-Risk Youth”

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Good Morning Chairman Kline, Ranking Member Scott, and members of the Education and the Workforce Committee. Thank you for inviting me to testify at today’s hearing, “Reviewing the Juvenile Justice System and How It Serves At-Risk Youth.”

My name is Steven Teske, and I currently serve as the Chief Judge at the Clayton County Juvenile Court in Georgia, a suburb of Atlanta. In addition to the sixteen years I have spent on the court, I have been involved in the juvenile justice system in many other capacities. At the Governor’s request, I have represented the 13th Congressional District on the Board of the Georgia Children and Youth Coordinating Council (and served as the chair of the board), was appointed vice-chair of the Governor’s Office for Children and Families, appointed to the Georgia Commission on Family Violence, and serve on the Judicial Advisory Council to the Board of the Department of Juvenile Justice. I have also served as a representative for Georgia on the Federal Advisory Committee on Juvenile Justice for the United States Department of Justice’s Office of Juvenile Justice and Delinquency Prevention from 2007- 2011.

I am a member of the Georgia Council of Juvenile Court Judges and served as its president from 2008-2009. I am also a member of the Board of Directors of the National Council of Juvenile and Family Court Judges (NCJFCJ), and chair NCJFCJ’s School Pathways to the Juvenile Justice System Committee, which provides oversight and implementation of the technical assistance made available to jurisdictions seeking to develop school-justice partnerships. The NCJFCJ, the oldest judicial membership organization in the nation, is devoted to ensuring justice and improving outcomes for families, children, and victims of domestic violence that touch the court system. NCJFCJ offers education, technical assistance, and research on juvenile and family law matters to professionals in the juvenile and family justice system.

In 2012, Governor Nathan Deal appointed me to serve on the Georgia Council for Criminal Justice Reform, which studied the juvenile justice system and resulted in sweeping recommendations to the Governor that were unanimously approved by our state legislature. The Governor appointed me in 2013 to the Commission on Criminal Justice Reform to continue the study of adult and juvenile justice reforms and to provide oversight around the implementation of the changes enacted. I am co-chair of the Oversight and Implementation Committee. Since 2010, I have been serving as a designated judge of the superior court hearing both adult civil and criminal matters.

I want to begin by thanking you, Chairman Kline and Ranking Member Scott, for holding this hearing and continuing the much needed discussion and debate on juvenile justice reform. As you know, in July the Senate Judiciary Committee passed the bi-partisan *Juvenile Justice and*

Delinquency Prevention Act Reauthorization of 2015. I and my fellow members of the NCJFCJ applaud the hard work and dedication of Chairman Grassley and Senator Whitehouse and all the distinguished Members who signed onto that legislation and have continued to advocate for it as it now awaits action by the full Senate.

The NCJFCJ maintains its position that the juvenile justice system must be appropriately resourced and must embrace practice informed by science. Without education and resources and a federal partner to assist juvenile justice professionals, challenges will not be overcome and we will fail to carry out the four core requirements of the JJDP.

Judicial officers and advocates alike are eager for an update of this critical legislation, which does so much for young people and has not been reauthorized since 2002. Although the number of juvenile arrests accounts for a small portion of the nation's crime and has declined more than 45 percent since 2004ⁱ, in 2012, police made 1.3 million arrests of persons under the age of 18;ⁱⁱ and juvenile courts handled more than one million cases in 2013.ⁱⁱⁱ On any given night, nearly 55,000 juveniles were held in residential placement facilities, most for non-violent offenses and the vast majority are youth of color.^{iv} An estimated 2,800 new court commitments to state adult prison systems in 2009 involved youth younger than age 18 at the time of admission.^v

I would also like to thank Ranking Member Scott for his strong leadership and laser focus on the need for communities to implement more programming on the prevention side of the equation in order to decrease the number of young people I see in my court every day. Specifically, Representative Scott's Youth PROMISE Act, which he has been working on since 2009, aims to reduce violence in communities that have a high concentration of youth at risk of school disengagement, social disconnection and/or delinquent behavior. The NCJFCJ supports the Youth PROMISE Act and its focus on prevention and intervention in addressing issues related to juvenile delinquency. Through community partnerships in which the court plays a pivotal role, through additional resources provided, and through research and promulgation of evidence-based practices, the needs of children, youth, families and their communities will be better served in the future. There has been tremendous progress in research on young people impacted by the juvenile justice system over the last decade. I believe we must leverage implementation science to expand and improve the use of evidence-based practices, and strive to create trauma-responsive courts and educate stakeholders on the impact of human development.

I initiated reform in my county beginning in 2003 and the approach mirrored exactly the approach proposed in the Youth PROMISE Act. Using collaboration as the core strategy, I introduced the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative that requires the use of objective detention admissions instruments and safe alternatives to detention, risk and needs assessment tools for probationers to help us divert low risk youth from further court involvement using restorative justice programs and strategically target the high risk youth using evidence-based programs and practices. We created two multi-disciplinary teams that meet weekly to assess detained youth for safe alternatives and the other to assess at-risk youth for prevention. We were the first county in the country to develop the School-Justice Partnership Model to dismantle the school-to-prison pipeline and to date our school arrests have decreased 83%. In the *The Handbook for Evidence-Based Juvenile Justice Systems*^{vi}, this model was cited as "an ideal solution to excessive school suspensions and expulsions." Together, our multifaceted

reform efforts in Clayton County have resulted in significant and substantial outcomes that I address below.

For this morning's hearing, I would like to focus on our current juvenile justice system.

Background: JJDP, OJJDP and the Four Core Protections

We do not have a national, centralized juvenile justice system. Instead, there are more than 56 different juvenile justice systems independently operated by the U.S. States, territories, the District of Columbia, and local governments. Consequently, laws, policies, and procedures can vary widely from state to state and among local jurisdictions. This creates a patchwork of juvenile justice systems that result in inconsistent outcomes for youth, families and communities, including youth exposure to physical, mental and emotional injury. To address these inconsistencies and improve outcomes for youth and community safety, Congress passed the *Juvenile Justice and Delinquency Prevention Act (JJDP)* in 1974. It was last reauthorized in 2002.

The JJDP is designed to bring consistency in juvenile justice best practices among all the States by identifying four protections based in research that are core to delinquency prevention and rehabilitation. States that comply with the core protections receive federal funding for programming that promote the core protections.

The four core protections include:

- **Deinstitutionalization of Status Offenders (DSO):** Status offenses are offenses that only apply to minors whose actions would not be considered offenses if they were adults. The most common are skipping school, running away, breaking curfew and possession or use of alcohol. Under the JJDP, status offenders may not be held in secure detention or confinement. There are, however, several exceptions to this rule, including allowing some status offenders to be detained for up to 24 hours. The DSO provision seeks to ensure that status offenders who have not committed a criminal offense are not held in secure juvenile facilities for extended periods of time or in secure adult facilities for any length of time. These children, instead, should receive community-based services, such as day treatment or residential home treatment, counseling, mentoring, family support, and alternative education.
- **Adult Jail and Lock-Up Removal (Jail Removal):** Youth may not be detained in adult jails and lock-ups except for limited times before or after a court hearing (six hours), in rural areas (24 hours plus weekends and holidays) or in unsafe travel conditions. This provision does not apply to children who are tried or convicted in adult criminal court of a felony-level offense. This provision is designed to protect children from psychological abuse, physical assault and isolation. Children housed in adult jails and lock-ups have been found to be eight times more likely to commit suicide, two times more likely to be assaulted by staff, and 50 percent more likely to be attacked with a weapon than children in juvenile facilities, according to U.S. Department of Justice Studies.

- "Sight and Sound" Separation: When children are placed in an adult jail or lock-up, as in the scenarios listed above, "sight and sound" contact with adults is prohibited. This provision seeks to prevent children from psychological abuse and physical assault. Under "sight and sound," children cannot be housed next to adult cells, share dining halls, recreations areas or any other common spaces with adults, or be placed in any circumstances that could expose them to threats or abuse from adult offenders.
- Disproportionate Minority Contact (DMC): States are required to assess and address the disproportionate contact of youth of color at all points in the justice system - from arrest to detention to confinement. Studies indicate that youth of color receive tougher sentences and are more likely to be incarcerated than white youth for the same offenses. With youth of color making up one-third of the youth population, but two-thirds of youth in the juvenile justice system, this provision requires states to gather information and assess the reason for disproportionate minority contact.

The JJDPDA is intended to create a federal-state partnership for the administration of juvenile justice and delinquency prevention by providing:

- Juvenile justice planning and advisory system, establishing State Advisory Groups (SAGs), spanning all states, territories and the District of Columbia;
- Federal funding for delinquency prevention and improvements in state and local juvenile justice programs; and
- Operation of a federal agency (Office of Juvenile Justice and Delinquency Prevention (OJJDP)) dedicated to training, technical assistance, model programs and research and evaluation, to support state and local efforts.

The JJDPDA also established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in order for the federal government to function as a responsive and responsible partner with all states under the JJDPDA.

The Need for Re-Authorization of the JJDPDA: A Georgia Example

JJDPDA has been a game-changer in the juvenile justice field. I will share some examples of what JJDPDA has done in Georgia by beginning in my own county of Clayton.

When I took the bench in 1999, my county was inundated with high commitment rates to state custody and overwhelming probation caseloads of which most were kids of color and non-violent offenders. In search of ways to improve our system, I found the Annie E. Casey Foundation Juvenile Detention Alternative Initiative (JDAI). The Casey model inspired me to create a number of programs using federal funding that have resulted in significant reductions in racial and ethnic disparities, detentions, commitments to state custody, and the removal of the valid court order exception. These programs seeded by federal funds provided by the JJDPDA include the following:

- **FAST Panel (Finding Alternatives for Safety and Treatment):** a multidisciplinary panel of experts that meets before every detention hearing to assess each youth and family and make recommendations to the judge for alternatives to detention. This panel, called the FAST Panel has resulted in 85% of all youth released with a re-offense rate waiting to return to court of less than one percent (1%).
- **Second Chance Program:** A program for deep-end youth eligible for commitment to state custody, but allowed to remain in the community with intensive supervision and treatment. Since 2010, forty-eight youth have graduated with a 6% re-offense rate compared to the 65% re-offense rate of the youth committed. This program has saved the State approximately 3.9 million dollars while increasing public safety and the well-being of these youth.
- **System of Care:** An independent backbone agency with a board of directors that braid public and private stakeholders and an executive director and staff that receive referrals from the school system of at-risk youth for assessment and treatment. This agency coordinates all child service agencies to deliver evidence based programs for the prevention of delinquency. The programs associated with this agency have reduced school arrests by 83%, status filings in the court by 86%, while improving school attendance, behavior, and test scores. Despite our county being the poorest in all of metro Atlanta, our graduation rates have been steadily increasing and posted the highest increase in graduation rates for the last academic year.

These programs, seeded by federal funds from JJDP, have accomplished the following:

- 83% decrease in average daily detention population (ADP)
- 75% reduction in ADP of minority youth
- 47% reduction in average length of stay
- 77% fewer commitments to state custody
- 70% fewer commitments of minority youth, and a
- 62% reduction in juvenile arrests.

In our efforts to reform juvenile justice statewide, which was led by our Governor Nathan Deal, these Clayton County programs have become a model for reform. Our Governor created a criminal justice reform commission to study the juvenile justice system, which resulted in a 62% reduction in commitments to state custody using federal formula grant monies from the JJDP. These funds were used to rehabilitate youth in the community along with their families using evidence based programs listed on the OJJDP website. Our reforms also included the removal of the valid court order exception for status offenders.

Juvenile court judges possess a unique role as we are situated at the crossroads of juvenile justice knowing that it requires multiple stakeholders to prevent and reduce delinquency. In order for us to improve our due process role on the bench and endeavor to fashion orders that exact justice by

improving the lives of our youth, we must work off the bench to manage the stakeholder traffic on these crossroads. Juvenile justice is a specialized field and it requires a specialized judge equipped with the skill set to implement these evidence based programs and practices and to develop the convening skill to manage the crossroads of juvenile justice.

Courts are central to the success of JJDPA programs, and much of the work outlined in the statute relies on court interventions. We have seen great success in Georgia in recent years, but we must be able to continue to capitalize on that momentum to ensure our children and communities are safe. To that end, I would like to make the following policy recommendations:

- Enhance judicial training: Judges are in a unique position to order services and tools to better serve system-involved youth. These federal requirements can greatly enhance opportunities and outcomes for system-involved youth, but only if the courts are trained to respond in the way that Congress intended.
- Reauthorize the Juvenile Justice Delinquency Prevention Act (JJDPA) so that new research in evidence-based and trauma-informed practices can be implemented nationwide and stakeholders can be educated on the impact of human development.
- Strengthen the disproportionate minority contact core protection of the JJDPA to expressly require efforts, initiatives and programs similar to Clayton County's model to reduce and eliminate racial and ethnic disparities in the referral of students to the juvenile court.
- Eliminate the use of detention for status offenders and promote less harmful and more effective alternatives to detention.

Given the momentum in the Senate, I believe the House Education and the Workforce Committee must begin its work to re-authorize the outdated JJDPA. There is a universally recognized need to further reduce delinquency and improve juvenile justice systems in this country, and federal leadership is necessary to advance the pace of change. Chairman, your Committee now has an opportunity to improve upon an historical and strategic Act of Congress that has assisted states like mine to keep our communities safe and put youth on a better path.

I want to express my gratitude to you and your Committee for holding this hearing, and I look forward to continuing to work with you in any way I can as this process progresses.

ⁱ Federal Bureau of Investigation. (November 2014). *Crime in the United States 2013*. Washington, DC: U.S. Department of Justice. Online. Available: http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/table-32/table_32_ten_year_arrest_trends_totals_2013.xls

ⁱⁱ Office of Juvenile Justice and Delinquency Prevention (OJJDP). (Released on December 16, 2014). *Statistical Briefing Book*. Washington, DC: U.S. Department of Justice. Online. Available: <http://www.ojjdp.gov/ojstatbb/crime/qa05101.asp?qaDate=2012>.

ⁱⁱⁱ OJJDP. (Released on April 27, 2015). *Statistical Briefing Book*. Washington, DC: U.S. Department of Justice. Online. Available: <http://www.ojjdp.gov/ojstatbb/court/qa06201.asp?qaDate=2013>.

^{iv} OJJDP. (Released on April 27, 2015). *Statistical Briefing Book*. Washington, DC: U.S. Department of Justice. Online. Available: <http://www.ojjdp.gov/ojstatbb/corrections/qa08201.asp?qaDate=2013>, and <http://www.ojjdp.gov/ojstatbb/corrections/qa08205.asp?qaDate=2013>.

^v OJJDP. (December 2014). *Juvenile Offenders and Victims: 2014 National Report*. Washington, DC: U.S. Department of Justice. Online. Available: <http://www.ncjj.org/nr2014/index.html>.

^{vi} Howell, James C., Lipsey, Mark W. and Wilson, John J. (2014). *The Handbook for Evidence-Based Juvenile Justice Systems*. New York, Lexington Books, p. 135.