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The Honorable Suzanne Bonamici, Chair

**Examining Ways to Improve the Juvenile Justice System and
Support America's Young People**

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Good Morning, Madame Chairwoman Bonamici, Ranking Member Fulcher, and distinguished members of the Subcommittee of Civil Rights and Human Services. Thank you for the opportunity and the privilege of testifying before you today.

My name is Hasan Davis and like you, I am hope dealer. I believe and work toward a day where every child in America is safe, supported, and provided a clear path to personal success in education, career, and community life. Unfortunately, every day in America thousands of our children are drained from the robust cradle to career pipeline, and flushed down this foul school to prison pipeline. Everyday thousands of our children take the last step away from a schoolhouse and too often those are their first steps toward a jail house. Research shows that black and brown youth are disproportionately likely to be expelled from the classroom, even as early as preschool. A 2021 report, meanwhile, showed the link between these expulsions and later arrest, with young people who attended schools with high expulsion rates 3.2 percentage points more likely to have been arrested, and 2.5 percentage points more likely to have been incarcerated as adults.¹

Although the focus today is on the Juvenile Justice System, it is not a conversation we can fully embrace without understanding the chapter that came before. I would be remiss if I did not begin by restating clearly what we all know too well, just for the sake of clarity, at all decision-making points disparities continue to create unfair and unacceptable differences in how youth are treated as they encounter the juvenile justice system. We know that race, disability, and poverty, remain the highest drivers and greatest indicators of a young person's deep and long-term involvement with juvenile justice. Young people of color who happen to have disabilities and are experiencing poverty become the individuals populating the very deep and darkest parts of our system. This is not new news but, it is important for us to keep this at the front of our minds as we think about the future we imagine for all children.

Youth with disabilities are about 13% of all students in our K-12 school system, but they account for:

- 78% of students who are physically restrained,
- 58% of those placed in Seclusion or solitary confinement, and
- 25% of all students referred to law enforcement.
- Youth with disabilities are twice as likely as youth without disabilities to be suspended.²

Black children make up 18% of the preschool student population, but account for 48% of all preschool students receiving more than one out of school suspension.³ White preschoolers, meanwhile, who comprise 43% of student population, account for only 26% of the students with more than one suspension.⁴ Overall Black students are suspended and expelled at a rate three

¹ Camera, Lauren, "Study Confirms School to Prison Pipeline: New research found that early strict discipline causes an increase in adult crime." U.S. News and World Report. July 27, 2021. Available at: <https://www.usnews.com/news/education-news/articles/2021-07-27/study-confirms-school-to-prison-pipeline>.

² Discipline, Restraint, and Seclusion." Office of Civil Rights. Available at: <https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/issues/dis-issue02.html>.

³ "CIVIL RIGHTS DATA COLLECTION: Data Snapshot: Early Childhood Education." U.S. Department of Education Office for Civil Rights. March 2014. Available at: <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-early-learning-snapshot.pdf>.

⁴ *Id.*

times greater than white students.⁵ On average, 5% of white students are suspended, compared to 16% of Black students.⁶

American Indian and Native-Alaskan students are also disproportionately suspended and expelled, representing less than 1% of the student population but 2% of all out-of-school suspensions and 3% of all expulsions.⁷

Such suspensions have serious long-term impacts on a young person's life. Research by the Everyone Graduates Center at Johns Hopkins University showed that suspension increased the chance of leaving school prior to graduation from 16% to 32%.⁸ The same study also showed that the effects of exclusion can be cumulative, with each additional suspension increasing the risk of dropping out by 10%. This is not to be taken lightly, as dropouts are three and a half times more likely than high school graduates to be arrested, and more than eight times as likely to experience jail or prison.⁹

Which brings us back to the Juvenile Justice system. But I believe a better outcome for our youth is possible, I believe that to achieve those outcomes, a different system is necessary. Today, I would like to focus my initial comments on the impact that being in a juvenile justice facility has on a young person's life.

The Impact of Juvenile Justice Involvement on Life Outcomes

For more than 20 years the Juvenile Detention Alternatives Initiative of Annie E. Casey Foundation has been at the forefront of the fight to shed light on the poor outcomes and the deep traumatic impact that juvenile detention has had, and continues to have, on young people who cross the threshold of a building with locking doors and bars.

Detention poses a variety of physical and emotional dangers for young people. The Justice Policy Institute reports that young people who are placed in locked confinement face similar harms and injuries as adults who are incarcerated.¹⁰ These consequences include increased recidivism, with prior incarceration more likely to indicate later contact with the legal system than other factors, including carrying a weapon, gang membership, or poor familial relationship.¹¹ Their research showed that detention was shown to pull young people deeper into not just the juvenile justice system, but also increase the likelihood of later criminal justice system involvement.¹² This is all despite the fact that research has shown that young people will "age out" of delinquent behavior as they get older and their prefrontal cortex becomes more fully

⁵ "Race and School Suspensions." Brookings. 2014. Available at: <https://www.brookings.edu/research/2017-brown-center-report-part-iii-race-and-school-suspensions/>.

⁶ "Civil Rights Data Collection Data Snapshot: School Discipline."

⁷ *Id.*

⁸ Jones, Elizabeth Pufall. "The Link Between Suspensions, Expulsions, and Dropout Rates." September 05, 2018. Available at: <https://www.americaspromise.org/opinion/link-between-suspensions-expulsions-and-dropout-rates>.

⁹ "Saving Futures, Saving Dollars: The Impact of Education on Crime Reduction and Earnings." Alliance for Excellent Education. Sept. 2013. Available at: <https://all4ed.org/wp-content/uploads/2013/09/SavingFutures.pdf>.

¹⁰ "The Dangers of Detention." Justice Policy Institute. 2006. Available at: https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/dangers_of_detention.pdf.

¹¹ *Id.* P. 4.

¹² *Id.* P. 5.

developed. Research from Carnegie Mellon has shown that incarceration can actually slow or interrupt the natural process of aging out of delinquency.¹³

Detention also has a “profoundly negative impact on young people’s mental and physical well-being, their education and their employment.” While young people with mental health needs are overrepresented in juvenile justice population, “young people with behavioral health problems simply get worse in detention, not better.” A study by the Department of Education showed that 43% of young people with special needs who were incarcerated never returned to school, and among those who did return, 16 % dropped out after 5 months. Jailing young people between the ages of 16 and 25 has been shown to result in a decrease in work hours by 25-35 percent over the next decade. For young people ages 14 to 24, Princeton researchers found that detention decreased the amount of time worked by three weeks per year for young people overall and five weeks per year for Black youth, when compared with young people who were not previously incarcerated.¹⁴

I believe that one of the major factors contributing to the negative outcomes of youth in detention and long-term residential placement facilities in juvenile justice is that they are most often staffed by a frontline of non-specialized workers who seek to maintain command and control over a youth population instead of successfully managing the physical, mental, and emotional health of the population who, with few exceptions are navigating trauma, social isolation, and stigmatization. Instead of providing young people with services and supports to address these needs before they are placed in detention, we all too often expect untrained staff to address these problems once youth are in residential placement. All while simultaneously dealing with the daily hormonal challenge of being preteens or teenagers.

Treatment Options and Abuse in Juvenile Justice Facilities

Throughout my career, I’ve been frustrated by the refusal to acknowledge the need for - and invest in - a highly skilled and well-trained frontline workforce who are prepared and capable of addressing the physical, mental, and emotional needs of young people who are navigating periods of crisis. Instead, we have created, in many jurisdictions, a low pay, low incentive system that too often attracts individuals who are just trying to get by. In my own experience, I have hired individuals who have been waiting their entire lives to finally have control and power over someone else. In these settings, one or two individuals with this mindset can destroy a lot of lives and mitigate or negate the well-meaning and properly focused team members around them. Incidents of mental and physical assault are a greater risk in environments where staff are not compensated in a way that reflects our expectations for them as the first and best line of support for the youth in their care.

I’ve often bemoaned the fact that it seems the trajectory of every dream, aspiration, hope and opportunity of a youth entering a secure detention facility immediately and dramatically drops. And unfortunately, the data has continued to confirm this. Between two-thirds and three-fourths of incarcerated ninth graders, for example, will drop out of school within a year of reenrolling, and only 15 percent of those same 9th graders will complete secondary education.¹⁵ For decades

¹³ *Id.* P. 7.

¹⁴ *Id.*

¹⁵ “Dangers of Detention.” P. 9.

now the data has also continued to inform us that most youth who come into detention are not accused of rape, murder, assault, or some heinous crime. They are often truant, runaways, or status offenders. Some sent specifically to detention to "teach them a lesson." It turns out that the humiliation and shame that is still too often lifted up by scared straight advocates as an attempt to deter delinquent behavior actually serves as an accelerant, quickening the eventual return of these non-criminalize youth, often with actual criminal charges. Our young people are better served by community-based supports such as therapeutic art programs, credible messenger mentoring, and initiatives that build social and familial connection. Instead of isolating and tearing down our young people, we need to help build them up.

Secure detention is designed for maximum control, with minimal staffing. Safety of youth, during processing is rarely a priority. The intake protocol, in many places, is still as disturbing and traumatizing as you've ever imagined watching any prison movie you've seen. Many jurisdictions still resort to invasive strip searches and physical body searches of youth. This is often followed by isolation and observation before formal assessment of threat or danger level is completed.

Most youth currently entering detention would be better served in their home communities with alternatives to detention (ATD) services. Examples of alternatives to detention services are professional and peer counseling, evening reporting centers, access to the arts (theater, dance, painting, etc.), mentoring and out of school time programming.

I would not be here today had I not benefited from alternatives to detention. As a preteen experiencing both ADHD and Dyslexia, I was arrested at age 11. My wise judge sentenced me to probation and returned me to my mother. My family and community sought out opportunities to engage me in the arts, camps, and martial arts. Then, I was enrolled in an alternative school that supported my different learning. As a result, I was able to develop the Social and Emotional foundation to re-write my own narrative. Looking back, I can only imagine how different my life would have been had I been sentenced to a detention facility.

Youth Experiences Following Release from Juvenile Justice System

For young people in crisis, who have often experienced high levels of trauma or are currently navigating mental health challenges, this experience does nothing to alleviate their pain and often heightens their fight or flight reaction. It also creates a threat of retaliation in justified response to aggression from under-trained staff. In addition to the obvious trauma and mental health damage that often follows detention placement, there is a whole range of negative experiences that young people face once they actually exit juvenile justice placement.

Thoroughly stigmatized, youth exiting juvenile justice placement are often identified formally or informally by their home communities as delinquent youth. In the schools, this means that they are often returned to alternative programs or special classrooms where they can be supervised more closely because of this new label.

The data tells us that youth returning to their home communities from juvenile justice placement are less likely to return to and graduate from the school that they enter juvenile justice from. The stigma that they carry, often limits their access to artistic, athletic, and academic extracurricular

activities that could serve as resistance factors to future juvenile justice involvement. Many youth report that the hard work they did in classrooms while in placement doesn't transfer back to their home schools, and that their success "in lock up" is dismissed or not considered for actual credits. This creates more frustration and increases the likelihood that even the good work that may have happened during the juvenile justice placement is undone.

Getting Back to the Original Intent of Juvenile Justice

A separate juvenile justice system was established in the US to **divert youthful offenders from the destructive punishments of criminal courts and encourage rehabilitation based on the individual juvenile's needs**. We have eroded this distinction and become just another corrections system that begrudgingly manages a child services function, instead of a robust youth services system that strategically maintains a corrections component.

Now that we have a fully authorized Juvenile Justice and Delinquency Prevention Act (JJDP), Thanks to the efforts of Chairman Scott and many of you, we must focus on creating a system that is youth centered, family focused, community-based, and trauma responsive. I challenge us to ask "What if...?"

So:

- What if the juvenile justice field had clear orders to ensure all system-involved youth are safe, supported and provided a path to success?
- What if juvenile justice received an investment that allowed us to deploy Hope Dealers -- - highly motivated, skilled, and well-trained experts with one mission- to engage, encourage, and empower the youth they serve?
- What if we commit to reserve secure detention only for those youth who have been clearly assessed as a danger to themselves or our communities?
- What if we commit to provide alternatives to detention ensuring youth remain on a pathway to success?
- What if, ladies and gentlemen, we simply refuse to allow Juvenile Justice to be the place where dreams go and die?

Thank you again for the opportunity to testify before you today.