

TESTIMONY OF MARK SOLER, EXECUTIVE DIRECTOR
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WASHINGTON, DC
BEFORE THE COMMITTEE ON THE JUDICIARY
UNITED STATE SENATE
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Mr. Chairman and Members of the Committee:

I am an attorney and the Executive Director of the Center for Children's Law and Policy. I have worked on juvenile justice reforms throughout the country for the past thirty-seven years.

I want to start by thanking you, Mr. Chairman, and you, Senator Whitehouse, for your commitment to protect troubled and at-risk youth by introducing S. 2999 in the last Congress to reauthorize the Juvenile Justice Act, and Senator Leahy for his years of commitment to this issue. As you know, the Act has been essentially unchanged since 1992. Yet every year, some 1.3 million young people enter the juvenile justice system in this country, more than the entire populations of the 20 largest cities in Iowa combined, more than the entire population of the state of Rhode Island. And that's just arrests, which is only one way youth get into the system. For a statute that affects millions of children and their families every year, it is long past time for an update.

S. 2999 includes critical revisions to the Act, and I urge you to keep them in the legislation that you introduce in this session. Particularly important are the provisions to keep youth awaiting trial in criminal court out of jails; to enforce the prohibition on locking up status offenders by phasing out the "Valid Court Order" exception; to support the elimination of solitary confinement and dangerous restraints in juvenile facilities; and to provide much-needed guidance to states on how to reduce racial and ethnic disparities in the system.

These important reforms will improve OJJDP's ability to help states ensure that the juvenile justice system is fair, safe, and effective.

The Juvenile Justice and Delinquency Prevention Act, however, has already proved its value many times over, and I have seen its impact firsthand. When I started this work in 1978, four years after the passage of the Act, there were 500,000 children held in adult jails in this country for some period of time every year. I worked with many jurisdictions to help them remove children from adult jails, pursuant to the core requirements in the

Act. I also brought litigation to protect children in adult jails when local authorities ignored the mandates of the Act. For example, I represented a 15-year-old girl in southeast Ohio who was held in a county jail for staying out overnight and was subsequently raped by a jailer. I represented a boy in Portland, Maine, who was charged with theft of a bicycle and was sexually assaulted in the county jail by an older juvenile. I represented youth held in the Boise, Idaho jail, where a boy was put in jail for not paying \$73 in parking tickets, and was beaten to death by other inmates over a 14-hour period. I worked on the case of a teenage girl in California who was jailed for curfew violation for being in the town square at night, then hanged herself in her cell. I represented the family of a young boy in LaGrange, Kentucky, who hanged himself in his cell on the second floor of the jail, while the jailer sat in his office on the first floor.

I have seen the needless tragedies that occur when the mandates of the Juvenile Justice Act are not followed. This statute saves children's lives and prevents physical and sexual abuse. We would all want our own children, if they got in trouble, to have the protections of the Act.

The Office of Juvenile Justice and Delinquency Prevention has had a mixed track record over the past 20 years. During the second half of the 1990s, it was a leader in the field. For much of the last 15 years, however, until recently, OJJDP did not keep up with advancements in the field or provide strong leadership. It did not help that appropriations for the agency were cut by 80% over the last decade, or that the Obama administration did not name a permanent Administrator for the agency until four years after it took control of the Executive Branch.

The vacuum in leadership was partially filled by the Annie E. Casey Foundation, through its successful Juvenile Detention Alternatives Initiative (JDAI) to reduce unnecessary use of detention without jeopardizing public safety, and by the John D. and Catherine T. MacArthur Foundation, whose Models for Change juvenile justice initiative supported important reforms in mental health services, representation by counsel, reduction of racial and ethnic disparities, aftercare, and other areas. But even large foundations can't replace the authority and resources of a federal agency. And some foundations eventually leave juvenile justice and move on to other areas of social reform, as the MacArthur Foundation has recently done.

I applaud Bob Listenbee for his efforts over the past two years to engage OJJDP more effectively on the critical issues in our field. He has brought energy, commitment, and intelligence to a difficult and complex task.

To fully realize its role as a leader in juvenile justice, OJJDP needs to continue to reform itself. Fortunately, it has two recent reports from the National Research Council to provide guidance. The first report, *Reforming Juvenile Justice: A Developmental Approach* (2013), is a superb compendium of the latest research in juvenile justice and its relevance to the mission and goals of OJJDP. The second report, *Implementing Juvenile Justice Reform: The Federal Role*, published last year, was commissioned by Mr. Listenbee soon after he took over as Administrator of OJJDP. It lays out a thoughtful,

detailed, three-year plan for OJJDP to implement the findings of the earlier report, ensure that juvenile justice reforms are grounded in knowledge about adolescent development, and support its role as a leader in the field. I urge the Committee to support Mr. Listenbee and OJJDP as they seek to follow that plan.