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March 20, 2017

The Honorable Dick Durbin  
Ranking Member, Subcommittee on Border Security and Immigration  
United States Senate  
224 Dirksen Senate Office Building  
Washington, DC 20510

**RE: “Improving Outcomes for Youth in the Juvenile Justice System,” responses to questions for the record**

1. *“Mr. Horowitz, in your testimony you described how juvenile recidivism is reduced when programs respond to the needs of each juvenile specifically instead of responding with incarceration. You also stated that in Cook County, Illinois, a study found that juveniles who experienced confinement were more likely to drop out of high school and to be incarcerated as adults than youth offenders who were not incarcerated. Can you discuss whether the reauthorization and continued funding of the JJDP, and the increase of juvenile research and programming, would in turn serve to reduce adult incarceration as well? Can you address the juvenile to adult incarceration pipeline?”*

The Office of Juvenile Justice and Delinquency Prevention provides critical data, research, and technical assistance to states as they implement evidence-based reforms to their juvenile justice systems. With a highly leveraged and modest federal investment, states are able to put their reforms into action as they recalibrate their juvenile justice systems to reduce recidivism, improve juvenile outcomes, and save taxpayer dollars. For the six states I referenced in testimony – Georgia, Hawaii, Kentucky, South Dakota, West Virginia, and Kansas – along with Utah (which passed legislation in the interim), the total federal investment has been \$3.5 million, and the states have adopted reforms projected to save more than \$300 million and reduce out-of-home populations by between 16 and 60 percent. The seven states have appropriated more than \$20 million in up-front reinvestment to build a continuum of evidence-based supervision, services, and sanctions delivered the community.

The high cost and poor return on investment that states face with out-of-home confinement for youth offenders can extend into adulthood. For example, in Georgia, where secure housing of a youth cost \$91,126 annually in 2013, 65 percent of juveniles released were re-adjudicated or convicted as adults within three years.<sup>1</sup> In Hawaii,

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<sup>1</sup> The Pew Charitable Trusts. (2015). *Re-Examining Juvenile Incarceration*. Retrieved from: <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/04/reexamining-juvenile-incarceration>

where the cost for out-of-home placement was \$199,329 per youth annually, three out of four faced re-adjudication or conviction over three years.<sup>2</sup> These are not unusual findings: Virginia and California and many other states also saw high costs for confinement and high recidivism rates.<sup>3</sup>

The Cook County study illustrates that good intentions and high costs don't always equate with good outcomes or a strong return on investment. The researchers found that juvenile incarceration decreases the likelihood of high school graduation by 13 percentage points and increases the likelihood of adult incarceration by 23 percentage points.<sup>4</sup>

2. *“Mr. Horowitz, in your testimony you touched on the importance of expungement of juvenile records. For years I have worked with my colleagues on bipartisan efforts to reform our criminal justice system. In the last Congress, I joined with Chairman Grassley, Senator Lee, and several other Republican and Democratic colleagues in sponsoring the Sentencing Reform and Corrections Act, which would make several important reforms that apply to juveniles. Our bill would (1) make juveniles in the federal system eligible to seek parole after they have served 20 years of their sentence; (2) provide for the sealing and expungement of federal juvenile records; and (3) impose limitations on juvenile solitary confinement in federal prisons. Do you believe these reforms will help serve the public interest?”*

The Sentencing Reform and Corrections Act is a sound first step in addressing offender accountability and corrections costs while protecting public safety. Members of the Senate should feel confident that the research along with lessons learned from state reforms not only support the policies proposed in the Sentencing Reform and Corrections Act, but would permit even stronger reforms.

Pew's research on the federal sentencing and corrections system has found that the size and cost of the federal prison system has dramatically increased.<sup>5</sup> This increase is

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<sup>2</sup> The Pew Charitable Trusts. (2015). *Re-Examining Juvenile Incarceration*. Retrieved from: <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/04/reexamining-juvenile-incarceration>

<sup>3</sup> The Pew Charitable Trusts. (2015). *Re-Examining Juvenile Incarceration*. Retrieved from: <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/04/reexamining-juvenile-incarceration>

<sup>4</sup> See summary of the Doyle and Aizer study at <http://news.mit.edu/2015/juvenile-incarceration-less-schooling-more-crime-0610>

<sup>5</sup> The Pew Charitable Trusts. (2015). *Growth in Federal Prison System Exceeds States'*. Retrieved from: <http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2015/01/growth-in-federal-prison-system-exceeds-states>



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especially steep when it comes to drug offenders.<sup>6</sup> In fact, sentences for federal drug offenders continue to increase while other sentences decrease.<sup>7</sup> This comes as public polling shows that voters on both sides of the aisle overwhelmingly support reforming the federal system,<sup>8</sup> a result that is consistent with polling about state criminal justice systems.<sup>9</sup>

Sincerely,

Jake Horowitz

Director of Research and Policy, Public Safety Performance Project  
The Pew Charitable Trusts

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<sup>6</sup> The Pew Charitable Trusts. (2015). *Federal Drug Sentencing Laws Bring High Cost, Low Return*. Retrieved from: <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/08/federal-drug-sentencing-laws-bring-high-cost-low-return>

<sup>7</sup> The Pew Charitable Trusts. (2015). *Federal Drug Sentencing Laws Bring High Cost, Low Return*. Retrieved from: <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/08/federal-drug-sentencing-laws-bring-high-cost-low-return>

<sup>8</sup> The Pew Charitable Trusts. (2015). *Voters Want Big Changes in Federal Sentencing, Prison System*. Retrieved from: <http://www.pewtrusts.org/en/research-and-analysis/analysis/2016/02/12/voters-want-changes-in-federal-sentencing-prison-system>

<sup>9</sup> The Pew Charitable Trusts. (2016). *The Public Strongly Supports Cost-Effective Alternatives to Incarceration*. Retrieved from: <http://www.pewtrusts.org/en/research-and-analysis/collections/2016/10/the-public-strongly-supports-cost-effective-alternatives-to-incarceration>