

March 20, 2017

The Honorable Chuck Grassley  
Chairman, Committee on the Judiciary  
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. *“Can you identify some specific challenges faced by rural states, if any, in meeting the requirements under the federal Juvenile Justice and Delinquency Prevention Act as well as the ways federal regulators have contributed to these challenges through the adoption of implementing regulations?”*

Each of the seven states that Pew has assisted with juvenile justice reforms include rural areas where sentencing options short of residential placement in state custody are in limited supply. Time after time, juvenile and family court judges tell us that they would make less use of juvenile correctional facilities if they had a stronger continuum of evidence-based supervision, services and sanctions available in their communities.

But each state has tailored options – including less use of residential facilities and greater use of community options – with overwhelming public and policymaker support.

In Kansas, rural counties faced limited options when adjudicating and disposing of juvenile cases, often sending youth to secure or other residential facilities in other parts of the state. But in 2016, Governor Sam Brownback signed legislation based on recommendations made by the Kansas Juvenile Justice Workgroup that focused the state’s most expensive resources on the most serious offenders, projecting a reduction in the number of youth sent to secure facilities and saving \$72 million, part of which is being reinvested into community-based alternatives to incarceration.<sup>1</sup>

These alternatives have been highlighted in a series of recent local news stories in Kansas, as juvenile justice practitioners discuss how they are implementing these reforms and the potential positive impacts to outcomes for youth. One county corrections official said, “the purpose is to help keep kids in their communities and in

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<sup>1</sup> The Pew Charitable Trusts. (2015). *Public Safety in Kansas*. Retrieved from: <http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2012/09/28/public-safety-in-kansas>

their homes to receive the services we were lacking, especially in southwest Kansas...so that we don't have to send [youth] elsewhere either in placements or other facilities."<sup>2</sup> Another county's corrections director said, "it's probably one of the most exciting things I've seen happen in 22 years."<sup>3</sup>

Georgia policymakers faced a similar situation. The cost of Georgia's secure residential facilities for youth averaged \$90,000 per youth annually, with more than half of youth re-adjudicated or convicted within three years of release.<sup>4</sup> But the General Assembly passed and Governor Nathan Deal signed major legislation in 2013 designed to focus the most expensive resources on juveniles who committed the most serious offenses, while diverting lower-risk youth into programs proven to reduce recidivism.<sup>5</sup> Specifically, the law created a voluntary incentive grant program to help counties make progress in reducing out-of-home placement and creating alternatives.<sup>6</sup>

Now, in the incentive grant program's third year, 48 counties have served 1,723 juveniles through 10 programs.<sup>7</sup> The programs are considered widely successful, reducing short-term admissions and felony commitments by more than half, with two-thirds of participants successfully completing programs.<sup>8</sup>

While both of these states created policy solutions that were tailored to meet their unique needs, they both received critical assistance from the Office of Juvenile Justice and Delinquency Prevention in the U.S. Department of Justice. With a highly-leveraged and modest federal investment, these states and several others were able to put their reforms into action as they recalibrate their juvenile justice systems to reduce recidivism and save taxpayer dollars.

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<sup>2</sup> Dodge City Daily Globe. (2017). *Juvenile Division Welcomes FFT*. Retrieved from:

<http://www.dodgeglobe.com/news/20170202/juvenile-division-welcomes-fft>

<sup>3</sup> The Garden City Telegram. (2017). *States to Roll Out Functional Family Therapy for At-Risk Juveniles*. Retrieved from: [http://www.gctelegram.com/news/state-to-roll-out-functional-family-therapy-for-at-risk/article\\_226f42a8-f13b-5d6d-8a0a-5481c7f4a1a4.html](http://www.gctelegram.com/news/state-to-roll-out-functional-family-therapy-for-at-risk/article_226f42a8-f13b-5d6d-8a0a-5481c7f4a1a4.html)

<sup>4</sup> Report of the Georgia Council on Criminal Justice Reform. (2017). Retrieved from:

[http://gov.georgia.gov/sites/gov.georgia.gov/files/related\\_files/press\\_release/Report%20of%20the%20Georgia%20Council%20on%20Criminal%20Justice%20Reform%202017.pdf](http://gov.georgia.gov/sites/gov.georgia.gov/files/related_files/press_release/Report%20of%20the%20Georgia%20Council%20on%20Criminal%20Justice%20Reform%202017.pdf)

<sup>5</sup> Report of the Georgia Council on Criminal Justice Reform. (2017). Retrieved from:

[http://gov.georgia.gov/sites/gov.georgia.gov/files/related\\_files/press\\_release/Report%20of%20the%20Georgia%20Council%20on%20Criminal%20Justice%20Reform%202017.pdf](http://gov.georgia.gov/sites/gov.georgia.gov/files/related_files/press_release/Report%20of%20the%20Georgia%20Council%20on%20Criminal%20Justice%20Reform%202017.pdf)

<sup>6</sup> Report of the Georgia Council on Criminal Justice Reform. (2017). Retrieved from:

[http://gov.georgia.gov/sites/gov.georgia.gov/files/related\\_files/press\\_release/Report%20of%20the%20Georgia%20Council%20on%20Criminal%20Justice%20Reform%202017.pdf](http://gov.georgia.gov/sites/gov.georgia.gov/files/related_files/press_release/Report%20of%20the%20Georgia%20Council%20on%20Criminal%20Justice%20Reform%202017.pdf)

<sup>7</sup> Report of the Georgia Council on Criminal Justice Reform. (2017). Retrieved from:

[http://gov.georgia.gov/sites/gov.georgia.gov/files/related\\_files/press\\_release/Report%20of%20the%20Georgia%20Council%20on%20Criminal%20Justice%20Reform%202017.pdf](http://gov.georgia.gov/sites/gov.georgia.gov/files/related_files/press_release/Report%20of%20the%20Georgia%20Council%20on%20Criminal%20Justice%20Reform%202017.pdf)

<sup>8</sup> Report of the Georgia Council on Criminal Justice Reform. (2017). Retrieved from:

[http://gov.georgia.gov/sites/gov.georgia.gov/files/related\\_files/press\\_release/Report%20of%20the%20Georgia%20Council%20on%20Criminal%20Justice%20Reform%202017.pdf](http://gov.georgia.gov/sites/gov.georgia.gov/files/related_files/press_release/Report%20of%20the%20Georgia%20Council%20on%20Criminal%20Justice%20Reform%202017.pdf)

2. *“Can you describe some of the best alternatives, other than juvenile detention, on which judges should rely when they encounter juveniles who run away from home, break curfew, skip school, or engage in underage drinking? Which of these strategies have proven to be the most effective in states that worked with Pew to implement reforms? What about when they violate a court order in regard to these kinds of violations?”*

In the large and growing number of states that prohibit the use of (or simply do not use) detention or placement in response to status offenses or violations of a valid court order, there are a variety of alternative responses for judges to choose from. Judges may order alternative programs or supervision that cost less and are more effective than secure detention including house arrest, electronic monitoring, short-term respite care (where a youth who lacks family support or who is in crisis may stay temporarily while a stable community alternative is arranged), peer court or similar restorative justice programs, and evening reporting centers. Several states are successfully deploying combinations of these alternatives, including Kansas, Illinois and Utah.

Judges can also explore treatment options to address noncompliance or issues with substance abuse, mental health, or families struggling with these and related misbehavior. For moderate or high-risk youth, cognitive behavioral therapy has been shown to be successful at addressing a youth’s criminogenic needs that may be contributing to their noncompliance. Some examples of these programs include Aggression Replacement Training (ART), Thinking for Change, and Big Brothers Big Sisters mentoring. Youth could also be sent to an in-patient or out-patient substance abuse program, or judges could consult with local substance abuse or mental health providers, probation and the youth’s family about the option of sending youth to a residential drug treatment program without placing them in secure detention.

There are additional actions judges can take to sanction youth without using out-of-home placement. These options include adjusting curfew, adding community service hours, revoking previously granted incentives, or pursuing restorative justice interventions.

All of these options cost less than secure detention and are not associated with the poor public safety and educational outcomes that studies show result from placement in secure detention facilities.

Sincerely,

Jake Horowitz  
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The Pew Charitable Trusts