

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
At a Hearing on
“Improving Accountability and Oversight of Juvenile Justice Grants”
April 21, 2015**

In 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act with two goals in mind. First, is to prevent at-risk youth from entering the criminal justice system. And second, is to help minors already in the system become valuable members of society.

To help states achieve these goals, the JJDP Act authorizes the Justice Department to award federal grants to states. However, the law says that the federal money comes with strings attached.

Specifically, states must comply with four core requirements in order to qualify for the grants. First, states must not imprison children for committing offenses that would not be unlawful if they were committed by adults -- like truancy or running away from home. Second, juveniles must not be detained in adult jails unless some narrow exceptions apply. Third, when children are held in adult jails, they cannot be housed with adult inmates or next to adult cells. Fourth, states must address the disproportionate contact of minority youth with the justice system. These four requirements are the bedrock of the system that Congress designed to help juveniles, and Judge Teske and Mr. Soler are here to explain why these protections are so important.

To ensure states' compliance with these requirements, the Act created the Office of Juvenile Justice and Delinquency Prevention -- or OJJDP. By law, OJJDP is supposed to cut a state's funding for the following year by 20 percent any time a state fails to satisfy one of the four requirements in a given year. In other words, Congress designed these grants to be earned each year -- not to be handed out as entitlements. Today, we will examine whether the Justice Department has been doing its job to make sure states qualify for the federal funding.

Last year, multiple whistleblowers contacted me about the Justice Department's failure to follow the law. The whistleblowers alleged that it is common knowledge among the states that the Justice Department did not take compliance with the four core requirements seriously. The whistleblowers also claimed that states know the Justice Department does not even check if they are submitting accurate reports in their annual applications for grants. So, many states allegedly report whatever figures they want in order to keep the money flowing—even if the data is false or incomplete.

At the same time, states that submit honest data are reportedly being penalized by having their grants reduced as the law requires. In January 2014, for example, the Inspector General found that the Department had failed to hold the state of Wisconsin accountable despite an admission of fraud from a state employee.

Of course, the true victims in all of this are the children who come in contact with inadequate juvenile justice systems. So, to get to the bottom of these allegations, I wrote a letter to the Department in September of last year. The U.S. Office of Special Counsel (or “OSC”) expressed

similar concerns last September and again in January. Special Counsel Carolyn Lerner—who will be testifying here today—asked the Attorney General to investigate these allegations. Two separate whistleblowers had brought the allegations to her office’s attention as well. OSC found that there is a substantial likelihood that each of their allegations reveals possible violations of law, a gross waste of funds, and gross mismanagement of juvenile justice grant funds.

For its part, the Department initially responded to my inquiry by standing by its practices. The Department also sought to downplay the allegations by blaming the problem squarely on the shoulders of a single state official from Wisconsin. So, I sent three more letters with allegations of DOJ’s widespread mismanagement in other states, including Virginia, Tennessee, Illinois, and Puerto Rico. I also explained to the Department how its own responses to my initial letter revealed a fundamental misunderstanding of the law.

To its credit, the Department has now owned up to its problems. The Justice Department admitted to having a compliance monitoring policy in place since 1997 that is “not permitted under the statute.”

The Justice Department has disbursed more than 2 billion dollars in the past 40 years to state and local authorities under the Juvenile Justice and Delinquency Prevention Act. Given the unlawful 1997 policy, there is a question as to how much of this was granted to states that jailed youth in violation of funding requirements.

To shed light on these issues, Ms. Karol Mason is here to testify as the Assistant Attorney General for the Office of Justice Programs – or OJP. I want to thank Ms. Mason for her leadership and for showing a commitment to accountability and beginning to fix these problems at long last.

As they say, the first step to recovery is admitting that you have a problem, and it is encouraging that the Department has finally taken that step. But, it should not have taken seven years and the intervention of OSC, the Inspector General, and Congress for the Department to take the whistleblowers’ allegations seriously. Whistleblowers are the lynchpin of transparency and accountability. They should be lauded for their efforts but are more often treated like skunks at a picnic, and subject to retaliation, which is illegal.

So, I want to thank Ms. Elissa Rumsey and Ms. Andrea Coleman, who are here to testify today. Both of them have been trying to bring these issues to light since 2008. Their testimony today will include accounts of the resistance and retaliation they experienced from agency officials for simply trying to do their job in accordance with the law.

In addition, I want to thank several whistleblowers who will not be testifying today, but provided valuable information as part of this investigation. These individuals made similar allegations of resistance and whistleblower retaliation, so I want to reiterate to Ms. Mason the need to improve the treatment of whistleblowers.

Finally, I want to thank Professor Dean Rivkin, who operates a public interest clinic that represents juveniles in Tennessee. Professor Rivkin will testify about his efforts to alert the Justice Department about discrepancies in the compliance data that Tennessee reported. He will also contrast those official reports with the number of juvenile incarcerations that he personally observed in court.

We must remember that the true victims in all of this are the children and youth who face inadequate juvenile justice systems. That is why Senator Whitehouse and I introduced a bill in December to revise and extend the statute, which has not been reauthorized since 2002. The bill updates protections and extends programs established in the Act, and authorizes funding for the law for five years. It also takes steps to improve the treatment of youth under the Act by bolstering its core protections, improving conditions for detained juveniles, incorporating new science on adolescent development, and increasing accountability and oversight in administering the law.

That last part is the subject of this hearing, and I hope that we will have a better idea of what can be done legislatively to improve accountability and oversight of juvenile justice grants. Whatever measures we come up with, however, will be useless if the law is not actually followed. With that, I will recognize the Ranking Member for his opening statement.