

Thank you for allowing me to speak with you today to provide information regarding juvenile justice issues and to describe the partnerships in place with states and territories in addressing critical concerns. My name is Meg Williams and I am here on behalf of the Colorado Department of Public Safety, Division of Criminal Justice where I serve as a manager of an office that administers 7 major federal grant programs from the Office of Justice Programs for criminal and juvenile justice and where I serve as the state's designated juvenile justice specialist. I am a graduate of Kenyon College in Ohio where I earned my BA in Psychology and the University of Colorado, Denver where I earned my Masters in Public Administration. I have been in the adult criminal and juvenile justice field for over 30 years. Today I am focusing my comments on the juvenile side of the justice system.

In Colorado, as well as in states and territories across the nation, we continue to grapple with juvenile crime and the needs of the youth that find themselves caught in the justice system as a result of delinquent behavior. Research has found that juveniles in the justice system come to us with profound needs due to histories of abuse and neglect, trauma, poverty, educational disabilities, and mental health and substance use and abuse treatment needs. In Colorado, the population of youth that have penetrated to the highest level of services, commitment (akin to adult prison), are predominately male (85%), an average age of 16.8 years, have an extensive history of prior out of home placements (66%) often due to social services involvement, and are assessed as needing treatment level substance abuse (69%) and/or mental health (35%) services (51% of girls are assessed as needing mental health treatment).

So how does the federal government factor into this issue? The leadership of the federal government through the Juvenile Justice and Delinquency Prevention Act (JJDP Act), originally passed in 1974 and most recently reauthorized in 2002, provides a roadmap for states to not only serve and protect juveniles who come into contact with the justice system but also assists states in preventing future victimization and in upholding community/public safety. The JJDP Act also established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to serve as a partner with us, to provide leadership through research and evaluation, setting of rules and regulations regarding care and custody of juveniles, provision of training and technical assistance and serving as a conduit for necessary funding for states (Title II Formula Grant) to address our most pressing juvenile justice needs.

When states agree to participate in the JJDP Act and thus become eligible for federal Title II funding (all states and territories except Wyoming participate in the JJDP Act), we agree to adhere to 4 core requirements within the Act:

1. Deinstitutionalization of Status Offenders (DSO);
2. Adult Jail and Lock-Up Removal (Jail Removal);
3. Sight and Sound Separation; and
4. Disproportionate Minority Contact (DMC).

We are also required to establish a State Advisory Group (SAG) comprised of government and non-governmental (majority) experts in the myriad fields related to the needs of juveniles in the justice system such as courts, education, social services, and mental health, as well as youth (1/5th of membership). The SAG and the state designated agency are also required to develop a

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juvenile justice and delinquency prevention plan every three years. This plan must include an analysis of the state's juvenile justice and delinquency prevention systems, including looking at data about who enters or is at risk of entering our juvenile justice systems, the issues with which they present, the current state and availability of services and funding to address their needs, and a plan for the use of the federal funding. The state agency is then charged with implementing that plan. Again, I serve as the designated juvenile justice specialist for Colorado, and there is a person with my same responsibilities within each state that participates in the JJDP Act.

In Colorado, through our partnership with OJJDP and through our commitment to the tenets of the JJDP Act, we have seen tremendous improvements in our compliance with the core requirements. In 1985, we had 955 instances where juveniles were held over 6 hours in adult jails or lockups, except for before or after a court hearing (jail removal). In our most recent reporting year (2015), that number was 14. This is accomplished through our relationships with local law enforcement and their communities.

In 1988, we had a high of 445 instances where youth were detained or confined in a jail or lockup in which they had contact with an adult inmate (sight and sound). Today, because of our continued work with local police and sheriff departments and their jail staff, we often have zero sight and sound violations as we work hard to develop alternative options with them and others in their communities, especially in rural and remote areas of our state.

Deinstitutionalization of Status Offenses (DSO) continues to be a highly charged component of the JJDP Act. A status offender is a juvenile charged with or adjudicated for

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conduct that would not be a crime if committed by an adult such as truancy, running away, or curfew violations. DSO prohibits the use of secure placements (such as detention) for such youth unless a valid court order process was used by the court. Colorado has been working diligently with the courts on this issue as we found in 2014 (last full year of data) 205 instances of the use of secure placements by the courts, 10 of which were without benefit of a valid court order. Our highest year was 2010 when 482 status offenders were held in secure placements, 63 of which were violations. We are currently analyzing our data for 2016 but it looks like we could have as few as 30 instances in this past year.

Disproportionate Minority Contact (DMC), sometimes also referred to as Minority Over Representation (MOR) focuses on reducing the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system. States are required to analyze DMC at each decision point within the juvenile justice system, arrest through incarceration, in order to determine the points of intervention where DMC may exist and then conditions which may contribute to that over-representation. In Colorado, we have found that it is imperative to not only look at data at a state level but also at the local level as disproportionality may surface at very different points in discrete communities. We have seen significant and positive responses from local communities when we have reached out with their data resulting in local committees being formed to further study and more importantly, to offer solutions and alternatives in an effort to reduce DMC.

So far I have painted for you a picture showing that, at least in Colorado, we have been doing fairly well or at least making positive strides in many areas and you are likely wondering, well do you still need the JJDP Act? Do you still need support from the federal government?

I am here to say that the answer is vehemently yes. Our country still needs to have a concerted focus on juvenile justice as the needs of youth appear to be becoming more difficult to address. We need the continued laser vision on addressing juvenile justice and delinquency prevention through the lens of what truly works grounded in what we now know about adolescent brain development and the period of adolescence which tells us that adolescents have much less developed capacity to self-regulate, are more easily influenced developmentally to external influences such as peers and other perceived “incentives” (good and bad), and have less ability to make judgments and decisions that are truly future oriented all of which contribute to juveniles engaging in risky behavior that leads to a higher probability of negative and harmful consequences¹. We also now know that economically disadvantaged and minority youth are disproportionately represented in the justice system. We are also now recognizing the prevalence of mental health, substance use and abuse, history of child abuse and neglect and trauma for justice involved youth; possibly through the advancement in and support for the use of validated screening and assessment tools in more recent years. But knowing these facts and and transforming our systems in concert with these findings continues to be a challenge.

¹ Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie Schuck, Editors; Committee on Assessing Juvenile Justice Reform; Committee on Law and Justice; Division of Behavioral and Social Sciences and Education; National Research Council. (2012). Reforming Juvenile Justice: A Developmental Approach.

We continue to need your support, assistance and partnership in continuing to hold youth accountable for their behaviors, in continuing to work toward reducing victimization and increasing public safety but in ways that recognize and respond to the myriad intervention needs of these young people. We also need the federal government to understand that many federal agencies can and should be involved in juvenile justice and delinquency prevention, it is not merely a justice issue as these youth come to us with complex histories and service needs that can and should also be addressed through Health and Human Services, Substance Abuse and Mental Health Services, Work Force Development/Department of Labor, and Education, just to name a few. Those partnerships remain vital to our collective success as a nation and to us as states and more importantly to the youth as individuals. Certainly funding is critical, but we need to update our national vision and plan for juvenile justice reflecting true partnerships across disciplines and current science on what works.