THE NATIONAL ASSEMBLY

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STATEMENT

OF

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AND

THE NATIONAL COLLABORATION FOR YOUTH

BEFORE THE

UNITED STATES SENATE

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON JUVENILE JUSTICE

CHAIRMAN

THE HONORABLE HERB KOHL

JULY 2, 1992

Mr. Chairman and Members of the Committee:

My name is Gordon Raley and I am Executive Director of the National Assembly of National Voluntary Health and Social Welfare Organizations and its affinity group, the National Collaboration for Youth (NCY). Today I am testifying on behalf of the National Collaboration for Youth, based on a policy statement which has been reviewed by the executives of each of our member organizations.

The National Collaboration for Youth is a coalition of fifteen of the larger national youth serving organizations in the country who are each members of the National Assembly. Organized in 1973 around the issues of delinquency prevention and the role of voluntary youth serving agencies relative to passage of the Juvenile Justice and Delinquency Act, NCY has become an active voice nationally for prevention services and positive youth development.

Collectively, our organizations serve an estimate 30 million young people each year. They are not served because they are delinquent, poor, handicapped, disadvantaged, deprived, or disturbed or because they wear any of the other labels often required of the young to get service in this country. In Girl Scouts and Boy Scouts, Camp Fire, Boys and Girls Clubs, Girls, Inc., the YMCA or YWCA, youth are not served because they are problems: they are served because they are youth. Our reason for service is not so much because of what we can stop young people from doing but rather because of what we can help young people become.

Yet, we also are aware that the needs of certain groups of young people require special attention -- attention that can be provided via the Juvenile Justice and Delinquency Prevention Act. In simple summary these young people include: (1) delinquent youth, especially those committing violent offenses, as well as those at-risk of delinquency; (2) young people who are challenged by poverty and racial and ethnic discrimination, who are over-represented in our juvenile correction facilities; and (3) girls and young women whose needs have not been addressed equitably.

NCY agencies are well aware of the commitment of this subcommittee and its chairman to the issue of juvenile delinquency and its prevention. Mr. Chairman, we know, in fact, that without your leadership, there might very well not be a Senate Subcommittee dedicated to the needs of children in trouble. You and your staff are to be commended for providing many opportunities throughout the past two years for public testimony on the issue before us this morning and the bill you have drafted is one we can all be proud of.

The Juvenile Justice and Delinquency Prevention Act is indeed a rather landmark accomplishment. While juvenile justice legislation was one of the first pieces of law to provide domestic assistance directly to states and localities, dating back to 1961, it was changed and reorganized every several years or so up until 1974. The Juvenile Justice Act, passed in 1974 with the strong bipartisan support of

Senator Birch Bayh (D-IN) and Senator Roman Hruska (R-NB), has been around now for more than 15 years and well proved itself. It has provided rich dividends to American taxpayers as well as to the children and youth it was intended to serve.

Much progress has been made since 1974. At that time, according to the FBI Uniform Crime Report, about 43 percent of serious violent and property crime in this country was committed by juveniles. Today that figure has dropped to 28 percent. To be sure, since 1981, violent crime by juveniles has increased about 29 percent, but while that is alarming and shows that much needs yet be done, it should be noted that during that some period, violent crime by adults rose by nearly 50 percent.

Yet there are indeed signs that our progress to date is beginning to slip. Arrests of runaways is up 20 percent, reversing a trend which was favorable as recently as 1984. About 100,000 children and youth were arrested for running away last year. Serious crime by young women has gone up faster than arrests for young men -- an increase of 10 percent for young women compared to a 4 percent drop for young men -- and there remains a serious over-representation of racial and ethnic minorities in our juvenile correctional facilities.

My testimony today on behalf on the National Collaboration for Youth can be summed up in one sentence. <u>The Juvenile Justice Act is working and should be continued; but it has been neglected over the years and its role as a strong partner in federal-state-local</u>

cooperation should be restored. Your bill, S. 2792, does just that. It does so in the following ways:

S. 2792 provides for an independent Office of Juvenile Justice and Delinquency Prevention within the Justice Department

In section 201 of the Act, S. 2792 requires that the Administrator of the Office of Juvenile Justice report directly to the Attorney General instead of reporting through the head of Office of Justice Assistance Programs. When the Juvenile Justice Act was first passed, it was a part of the Law Enforcement Assistance Administration (LEAA) and the Administrator reported through the head of the LEAA. Congress changed that in 1980 to end interference by the Administrator of LEAA in the operation of OJJDP and to assure that the needs of youth were highly visible within the Justice Department and paramount in its administration of the law. Unfortunately, that was changed in 1988, and rumors of renewed interference by some Justice Department officials, which surfaced during the last several years, seem substantiated with the recent and sudden firing of an OJJDP Administrator, acknowledged by most to be doing an excellent job. We commend S. 2792 for placing the needs of kids in trouble above those of administrative officials in the Justice Department. The Attorney General cannot afford to be too busy to deal directly with the OJJDP Administrator regarding the topic of delinquency and its prevention and that responsibility should not be one easily delegated to subordinates.

S. 2792 provides an adequate authorization for FY 1994 and the years ahead.

There is the old axiom about leverage to the effect that, given a fulcrum and stick long enough, we can move the world. Through the Juvenile Justice and Delinquency Act, the Congress gave this country a stick long enough to move state and local policy on behalf of our children and youth. It has provided leverage for change and it has worked. But since 1980, as the chart which accompanies my testimony indicates, we have allowed that stick to be whittled down by inflation. It is much shorter now and its reduced leverage is beginning to show. The Act's funding level in fiscal year 1978 was $100 million and it reamined at that level through fiscal year 1980. About $250 million would be necessary in FY 1994 just to bring the buying power of our federal policy "leverage" back to 1978 levels.

S. 2792 provides several new programs which can help States and localities regain the leverage they lost during the eighties. We are especially supportive of the new State Challenge Activities and Incentive Grants for Local Delinquency Prevention Programs. Both of these approaches are innovative, unduplicated elsewhere in government, and fiscally responsible.

S. 2792 retains the mandates of the Juvenile Justice and Delinquency Prevention Act related to the deinstitionalization of status offenders, separation of juveniles from adults convicted or charged with criminal

offenses, and the removal of children from adult jails and lock-ups and requires effective monitoring.

Section 223(a)(13),(14), and (15) of the Act are crucial to Act's success. These reforms are the results of decades of research which have in no way been disputed. The findings upon which these reforms are built are simply these: the best way to prevent crime is to invest in our young and the best way to prevent repeat offenses by our young is to treat them in the least restrictive settings appropriately available. In short, in terms of reducing recidivism, the early use of nonsecure, community-based services are better than secure institutionalization. This is not a reform founded simply on fairness or humanity. It is a reform in place because it works.

S. 2792 continues citizen involvement and oversight

S. 2792 maintains the state advisory groups created under section 222(d) of the Act. These groups assure that attention is being paid and progress being made in all the States. It provides a citizen network of concern. Moreover it gives much needed authority for citizens to "look over the shoulder" of the bureaucracy and advise the Congress and the President when misadministration occurs.

S. 2792 reemphasizes the advanced techniques section of section 223.

When it comes to the expenditure of resources, perhaps no section is more important than section 223(a)(10) which provides the "advanced techniques" on which states are to spend their money. Yet over time, these techniques have become so expanded -- the introductory sentence alone is now 21 lines long -- that almost anything short of flogging might be considered eligible. S. 2792 remedies this by streamlining the advanced techniques section governing state expenditure of funds and updating what we have learned over the past 15 years or so.

1. It increase incentives for the development of community-based alternatives to incarceration and institutionalization, including home probation;

2. It emphasizes community collaboration that meets the needs of youth through many local systems including: schools, courts, law enforcement, child protection, welfare services, health care, and private nonprofit agencies offering youth services.

3. It emphasizes equitable educational support for delinquent youth; and

4. It increases incentives for positive youth development services for delinquent youth which help them obtain a sense of safety and structure; belonging and membership; self-worth; control

over one's life; closeness in interpersonal relationships; and competence and mastery.

S. 2792 assures accountability by requiring the Administrator to evaluate all programs funded under Title II and to conduct assessments regarding discrimination in treatment or the provision of services based on sex, race, or income.

In section 243, current language authorizes the Administrator to conduct evaluations of Title II programs and perform assessments pertaining to discrimination in the juvenile justice system but does not require it. The Administrator should be mandated to perform these assessments.

Finally, may I commend S. 2792 for something it does not do. In current law there is a provision that requires the President, when choosing an Administrator for the Office, to choose from among individuals who have experience in or special knowledge about juvenile justice and its prevention. I understand the Justice Department is suggesting that this provision be removed. S. 2792 does not remove this important provision and we ask you and all members of this committee to resist such suggestions.

Mr. Chairman, That concludes my remarks. I will be happy to answer any questions.

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