

**The Honorable Steven C. Teske  
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**Testimony before the House Committee on Education and Labor  
Committee Hearing on “Reforming the Juvenile Justice  
System to Improve Children’s Lives and Public Safety”**

**April 21, 2010**

Good Morning, Chairman Miller, Ranking Member Kline, and members of the House Education and Labor Committee. Thank you for having me here to testify today about the Juvenile Detention Alternatives Initiative (JDAI), how JDAI can help strengthen and transform juvenile justice policy and practice, and how JDAI has worked in Clayton County, Georgia.

My name is Steven Teske and I currently serve as a judge at the Clayton County Juvenile Court in Georgia. In addition to the ten years I have spent on the court, I have been involved in the juvenile justice system in many other capacities. At the Governor’s request, I represent the 13<sup>th</sup> Congressional District on the Board of Georgia Children and Youth Coordinating Council (and serve as the Chair of the Board), chair the Governor’s Office for Children and Families, and serve on the Judicial Advisory Council to the Board of the Department of Juvenile Justice. I also serve as a representative for Georgia on the Federal Advisory Committee on Juvenile Justice for the United States Department of Justice’s Office of Juvenile Justice and Delinquency Prevention. In 2008, I served as the President of the Georgia Council of Juvenile Court Judges.

In my testimony today, I would like to provide background on JDAI, including its goals, strategies, and results, and to put JDAI into context with the juvenile justice system as a whole. I would also like to address how JDAI has specifically worked in Clayton County to reduce the unnecessary and costly detention of youth while also improving our public safety outcomes.

**Overview of JDAI:**

The Juvenile Detention Alternatives Initiative (JDAI) is an initiative of the Annie E. Casey Foundation, which was established over 60 years ago in 1948 to help build better futures for disadvantaged children in the United States. To further this mission, the Annie E. Casey Foundation funds initiatives aimed at strengthening those public systems established to respond to the challenges faced by fragile and disadvantaged children and families.

One of these initiatives is JDAI, which began over 20 years ago as an effort to strengthen the nation’s juvenile justice systems and improve the odds that delinquent youth would become productive adults. JDAI focuses on the detention component of juvenile justice - a worthy ambition in its own right - but was based on the notion that the policies, practices and skills that would be required to change detention would have a transformative effect on other components of the system as well.

JDAI was also a direct response to dramatic growth in detention use in the 1990s that was unrelated to juvenile offending. The initiative has five main objectives:

1. Decreasing the number of youth unnecessarily or inappropriately detained in juvenile detention centers. Put another way, JDAI seeks to ensure that the only the right youth are detained and that these youth are detained for the minimum amount of time needed to advance to the next phase of the juvenile justice process;
2. Reducing the number of youth who fail to appear in court or re-offend
3. Redirecting public funds spent on juvenile justice towards effective processes and public safety strategies;
4. Ensuring that those youth who must be detained, and the staff responsible for their care and custody, are held in facilities whose conditions of confinement meet, at least, the constitutional standards established by law; and,
5. Reducing the disproportionate minority confinement and contact of the juvenile justice system.

Since its inception in the 1990s, JDAI has grown exponentially from a handful of sites to more than 110 local jurisdictions in 27 states, including Clayton County. Seventeen states have signed on as JDAI partners committed to supporting local efforts to adopt JDAI throughout their state. In total, over 61% of youth in the United States live in a state with at least one JDAI site.

Before I delve deeper into how JDAI works and its results, I believe it is crucial to understand where juvenile detention fits into the broader juvenile justice system, how detention affects youth, and why the Initiative focuses on improving this particular component of the juvenile justice system.

### **The Importance of Detention:**

The juvenile justice system is a system unique and apart from the adult criminal justice system with its own terminology and culture. In the juvenile justice system, detention refers to the holding of a youth in a locked juvenile facility after their arrest until an adjudication hearing can be completed to determine if the youth has actually committed a delinquent act. In adult court terms, juvenile detention is the equivalent of holding adults in jail pending trial.

Although the vast majority of youth in detention are awaiting an adjudication hearing, youth are often held in detention for a variety of other reasons as well. Youth may remain in detention awaiting placement in another facility or a community-based program following adjudication. For example, if a judge has ordered a youth to a particular program in the community, but there are no available slots open, the youth can be held in detention until a slot becomes available. Frequently, youth also are held in detention pending probation violation hearings. Finally, in many jurisdictions, youth can be sentenced to serve short terms in the local detention facility.

Most state statutes and professional standards agree that detention should be used for the limited purposes of ensuring a court appearance and minimizing the risk of the youth committing a new

offense prior to adjudication hearing. However, during the 1990s, the use of detention rose exponentially, even after juvenile delinquency rates began to decline and despite the limited purposes for which detention was typically supposed to be used. Today an estimated 400,000 young people every year are admitted to detention nationwide and approximately 25,000 young people are held on any given night. Despite popular misconception, these detention facilities are holding primarily low-risk youth; today, approximately two-thirds of detained youth are detained for property or drug crimes, public order offenses, technical probation violations, status offenses or violations of court orders related to status offenses.

Why is detention such an important piece of the juvenile justice system? Studies have shown that detained youth are more likely to become more deeply involved in the juvenile justice system. Youth who are detained are more likely to be formally referred to court (rather than being diverted), more likely to be adjudicated delinquent and more likely to be committed or placed in residential facilities than similar youth who are not detained pending adjudication. Detention, therefore, propels youth more deeply into the system and results in harsher treatment independent of the youth's charges or prior records.

The expansion of detention in the 1990s came with critical consequences, including:

- Overcrowding: Many facilities became overcrowded - in 1985, just 20 percent of detained youth were confined in overcrowded facilities; a decade later, 62 percent of detained youth were in overcrowded facilities. Overcrowded facilities led to a reduction of safety for youth in the facilities and staff alike.
- Rising disproportionate detention of youth of color: Youth of color composed 43 percent of juvenile detainees nationwide in 1985 and 69 percent of detained youth in 2006.
- Costly building of new detention beds: In order to accommodate more youth, many jurisdictions built new facilities or created new space in existing facilities for additional detention beds, which are very costly. On average, operating one detention bed can cost over \$70,000 per year and the average cost to build, finance, and operate a single detention bed over its first 20 years is approximately \$1.5 million per bed.

This expansion also had important unintended consequences, not only for youth, but for their communities as well. Research shows that detention has long-term, negative effects on youth - actually increasing recidivism and prolonging delinquency. Data also shows that detention can create new or exacerbate existing mental health disorders for youth. Finally, detention can complicate a youth's return to their school system, making getting an education more difficult.

### **The JDAI Model:**

In 1992, the Annie E. Casey Foundation decided that detention reform was not only needed in our country, but that it could be an "entry point" for overall juvenile justice system strengthening and transformation. In order to achieve the goals mentioned earlier in my testimony, JDAI created a comprehensive reform model that is replicated in jurisdictions desiring to transform

their detention systems. Each JDAI site is expected to include each of the following components, which were shown to be effective in JDAI's first demonstration grants sites:

- *Collaboration* among the local juvenile court, probation agency, prosecutors, defenders, and other governmental entities, as well as community organizations—including a formal partnership to cooperatively plan, implement, and assess detention reforms;
- *Collection and utilization of data* to diagnose the system's problems and proclivities, assess the impact of various reforms, and assure that decisions are grounded in hard facts—rather than myths and anecdotes;
- *Objective admissions screening* to identify which youth actually pose substantial public safety risks, which should be placed in alternative programs, and which should simply be sent home;
- *New or enhanced non-secure alternatives to detention* targeted to youth who would otherwise be locked up and—whenever possible—based in neighborhoods where detention cases are concentrated;
- *Case processing reforms* that expedite the flow of cases through the system, reduce lengths of stay in custody, expand the availability of non-secure program slots, and ensure that interventions with youth are timely and appropriate;
- *Flexible policies and practices to deal with “special” detention cases*, such as violations of probation and failures to appear in court, that in many jurisdictions lead automatically to detention even for youth who pose minimal risks to public safety;
- *Persistent and determined attention to combating racial disparities*, including careful study to identify specific strategies to eliminate bias and ensure a level playing field for kids of color; and
- *Intensive monitoring of conditions of confinement* for youth in secure custody to ensure that detention facilities are safe and appropriate care is provided.

JDAI firmly believes that each of these eight components is crucial to achieving comprehensive and meaningful detention reform. Although every jurisdiction implementing these components must adjust them to their own community's needs and unique challenges, on the whole JDAI has seen successful results in various states and localities across the country.

### **JDAI Results:**

As I mentioned earlier in my testimony, JDAI now has a presence in 110 local jurisdictions in 27 states and the District of Columbia. Through the use of the core JDAI principles, many of these jurisdictions across the country have seen significant changes in their use of detention, including:

- Reduced Detention Populations: Most jurisdictions utilizing JDAI safely reduced the size of their detention population by lowering the number of youth admitted to detention and, for those youth admitted to detention, shortening their length of stay. In a recent survey of JDAI sites across the country, the average reduction in detention populations was 35%.
- Improved Public Safety: Though jurisdictions typically employ many different statistical measures on public safety outcomes, JDAI sites have generally reported consistent improvements in public safety outcomes, including reduced pre-adjudication re-offending rates, court appearance rates and overall delinquency rates.
- Cost-effective use of juvenile justice funding: Across the country, JDAI jurisdictions have reduced the number of detention beds that must be funded by nearly 1,000 beds. These reductions have allowed jurisdictions to close units within detention facilities and stop the building of new, planned facilities. Instead of paying for new detention beds, localities have reinvested funds in more cost-effective alternatives to detention. For example, in Cook County, the juvenile justice system stopped planned construction of a 200-bed facility, which would have cost \$300 million to build, finance, and operate over a 20-year period, and instead invested \$3 million annually in alternatives to detention. This resulted in a savings of an estimated \$240 million over two decades to taxpayers.
- Reductions in racial disparities: As stated earlier in my testimony, youth of color are significantly overrepresented in detention populations. However, many JDAI sites have reported reductions in the number of youth of color in detention populations at a time when the number of youth of color in detention nationally is increasing. On average, JDAI sites have reported a 22% decrease in the number of youth of color detained, while this number has risen 6% nationally. These reductions are critically important and, because of the collection of detailed data about who is being detained, nearly all JDAI sites have been able to have collaborative conversations about reducing racial and ethnic disparities that is data-driven for a specific locality.

In addition to creating positive results in detention, many sites successfully have used JDAI to reform other aspects of their juvenile justice system as well. First, JDAI helps juvenile justice systems to develop a variety of cost-effective, community-based programs that allow youth to safely be held accountable in their communities instead of detention facilities. Youth who participate in alternatives to detention are less likely to be incarcerated post-adjudication in juvenile correction facilities and many sites have moved to create community-based alternatives for youth who have been adjudicated delinquent instead of placing these youth in corrections facilities. Second, by encouraging collaboration among stakeholders within the juvenile justice system and other child-serving agencies, JDAI fosters a culture of shared common goals that allows these individuals to work together creatively on the wide variety of issues facing youth in the juvenile justice system. Third, sites have expanded the data collection required by JDAI to look beyond detention to see how their entire system is performing and other potential areas that could be improved. Finally, sites have begun using objective criteria – such as the criteria utilized to make the decision whether or not to detain a youth – for other decisions in the juvenile justice system, such as where a youth should be placed post-adjudication, what sanctions should be imposed, and the types of treatment a youth should receive.

These results are extremely encouraging on a nationwide level, but are even more impressive on a local level in jurisdictions like Clayton County.

### **JDAI in Clayton County:**

Clayton County has been a JDAI site since 2004 and, from that time until now, I can truly say that JDAI helped to change the culture of the juvenile justice system in our County and create a whole new way of doing business for the juvenile court. By following the JDAI model, Clayton County has been able to and continues to make collaborative, data-driven decisions and take great strides toward keeping youth in their homes and communities rather than locked in detention facilities.

The comprehensive JDAI model has also aided our court in having a better understanding of the juvenile justice system as a whole. Too often, the juvenile justice system is viewed as a single agency that exists separate and apart from other state agencies that work with youth. However, in order to achieve the desired outcome of the juvenile justice system - preventing delinquency for youth not involved in the system and keeping youth already in the system from re-offending - we must understand why youth are getting into trouble in the first place. By using a collaborative approach, we can identify the root causes for youth coming to the attention of the system and utilize different agencies' services to address what I call youths' "delinquency-producing need."

The data shows that this approach has been working in Clayton County. Below are several outcome measures that compare Clayton County's numbers the year before JDAI introduction to the most recent data collected, we have seen:

- The average daily population in juvenile detention facilities drop from 61 youth in a 60 bed facility to 18 - a 70% reduction;
- The number of youth committed to the juvenile delinquency system decrease from 124 to 62 - a 48% reduction; and
- The number of youth of color detained drop from 48 to 17 - a 65% reduction.

Most importantly, we have made these reductions while making our communities safer. In the year prior to becoming a JDAI site, Clayton County had a total of 2,604 delinquency petitions - or "formal charges" - filed with the court. In the most recent reporting year, only 1,199 delinquency petitions were filed in the court - a 54% reduction.

While Clayton County has made a variety of changes in implementing the JDAI principles, I would like to highlight two model programs that are concrete examples of how this initiative works.

FAST Panels: Under JDAI, our County began utilizing Finding Alternatives for Safety and Treatment (FAST) Panels to create a collaborative approach to case planning before a

detention decision was made. The FAST Panels are led by the County's JDAI Coordinator and consist of representatives from a variety of agencies and stakeholders, including the education system, the mental health system, community-based program providers, family and children's services, and the youth's parent or family. The goal of the Panels is to explore options for keeping high- or medium-risk youth out of detention and in the community while ensuring public safety.

With all these individuals at the table, the FAST panels allow for creative inter-agency collaboration where everyone can help identify a variety of resources to provide appropriate supervision to youth on a case-by-case basis. These panels have been extremely successful at diverting youth not only out of detention, but out of the juvenile justice system entirely and into existing community resources. For example, having mental health experts at the table allows the court to identify youth who come to the attention of the juvenile court system with mental health needs more quickly than a judge could. These youth then can be diverted into the mental health system to get appropriate treatment.

School reduction referral: When Clayton County began collecting data under JDAI on youth involved in the juvenile justice system, we were sure to include data on how youth were being referred to the juvenile justice system. We were alarmed to find that over 1/3 of the juvenile justice system referrals were coming from the education system, which had introduced School Resource Officers (SROs) and a zero tolerance policy into schools. Since SROs had been introduced into the schools, school-based referrals to the juvenile justice system increased 2000%. Instead of protecting youth from more serious crimes like exposure to violence or drugs, the SROs were being utilized by school administrators to enforce discipline for relatively minor offenses. Indeed, over 90% of the referrals from the education system were low-level misdemeanor offenses stemming from minor school disciplinary matters that should have been handled in schools.

After analyzing this data as well as relevant data from the school system, we used the JDAI model to bring together the police chief, the school superintendent, and other stakeholders. This group met regularly to negotiate guidelines on when school misbehavior would be handled by the school and when such behavior would result in a juvenile justice system referral. Instead of automatically taking youth to the juvenile justice system, SROs would have a variety of options, including giving youth up to two warnings and referring the youth to a conflict skills class in the community or mediation. In examining the school level data, we also found that youth who were being suspended repeatedly were dropping out at very high levels. Therefore, we worked to create an "alternatives to suspension" program to give administrators options besides suspensions.

Since these two changes have been made, we have significantly reduced the number of cases referred from the schools to the courts, reduced the number of serious incidents at schools, and improved school outcomes. Graduation rates have risen 21% while juvenile felony rates have decreased by 51%. Additionally, reducing school referrals to the juvenile justice system resulted in a 38% reduction in the number of youth of color referred to the juvenile justice system.

In Georgia, I am currently working with other judges and state officials to expand JDAI to additional counties across the state. The successes we have seen in Clayton County have definitely come to the attention of judges throughout the state. My goal is to take the lessons and successes we have had in Clayton County state-wide, with the support and technical assistance from the Foundation, to help new jurisdictions adopt this model.

### **Recommendations:**

As the Committee looks to reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDP), I ask that the Committee consider the following recommendations based on JDAI successes:

- Reduce reliance on detention of youth: The high numbers of youth in detention in the U.S. is concerning, particularly given the research that shows the negative effects and poor results associated with detaining youth. JDAI has shown that reductions can be achieved while maintaining - or even improving - public safety outcomes.
- Incentivize the reinvestment of detention dollars in effective community-based alternatives: At a time when so many states and localities are struggling with tight budgets, the high cost associated with keeping youth in locked facilities is worth another look. Research shows that investing resources in detention beds does not yield good results, particularly given the exorbitant price tag. Fortunately, JDAI sites across the country are working collaboratively to develop alternatives that cost less and work better than detention. By reducing unnecessary detention and reinvesting those dollars into effective detention alternatives, we could help jurisdictions create a financially effective solution to youth who come to the attention of the juvenile justice system. The JJDP could help incentivize this reduction in detention and reinvestment in community-based alternatives.
- Promote data-driven decisions in the juvenile justice field: The accurate collection of data has been absolutely critical to the changes being made in Clayton County. Without this data, it would have been impossible to track how youth were entering the juvenile justice system and whether the changes we made were having the right effects. Data also can help to bring along stakeholders who may be reluctant to the changes taking place. Finally, data can help to show the public whether their taxes are being spent efficiently and effectively.
- Encourage state and local agencies to work collaboratively with the juvenile justice system: In Clayton County, many of our successes have resulted from having the right people around the table at the right decision-making moments. Instead of bogging down the juvenile justice system process, this collaboration has actually allowed us to divert youth from the justice system and into more appropriate programs that deal with the underlying reasons the youth came to the attention of the system.

Thank you again for having me here to testify and I look forward to any questions you have for me.