



Testimony of Josh Rovner, State Advocacy Associate
Mayor-Elect Muriel Bowser Transition Team
Public Engagement Forum on Public Safety
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Established in 1986, the Sentencing Project works for fair and effective U.S. criminal and juvenile justice systems by promoting reforms in sentencing policies and addressing unjust racial disparities and practices. We are grateful for this opportunity to submit our comments to Mayor-Elect Bowser's Transition Committee's Public Safety Team.

We offer the following four recommendations:

- Make aggregate juvenile arrest data available and transparent;
- Limit the use of arrest for low-level offenses;
- Prioritize evidence-based programs, and not incarceration, for delinquent youth; and
- Keep juveniles out of the adult system.

Recommendation No. 1: Make Aggregate Juvenile Arrest Data Available and Transparent

The District of Columbia, like most jurisdictions, has seen its crime rate fall sharply over the past two decades. The Metropolitan Police Department posts biannual reports on juvenile arrests on its website. We applaud MPD for posting the raw data, but in its current, opaque format, neither the public nor researchers can easily understand trends, the location of juvenile arrests, or the severity of the offenses that led to these encounters.

For the sake of a transparent, open government, the public ought to be made aware of the successes and challenges of the juvenile justice system while protecting the confidentiality of individual teenagers caught in the system.

Recommendation No. 2: Limit the Use of Arrests for Low-Level Offenses

Despite these limitations, a closer look at the arrest report does reveal important facts. For the first half of 2014, MPD lists roughly 1500 youth arrests. These arrests are the visible residue of systems that have failed our youth, and then burden the justice system. An initial search of these arrests shows some serious offenses, but mostly lists typical teenaged misbehavior. Look for the word marijuana and find 59 arrests, only one with intent to distribute; 12 arrests were for possession of a BB gun on public space; 297 arrests for simple assault; 20 for failure to pay a Metro fare; and nine for shoplifting. More than 200 arrests were for absconding, meaning that a substantial percentage of arrested juveniles hadn't committed a new criminal act that would threaten public safety.¹

¹ Biannual Reports on Juvenile Arrests are available here: <http://mpdc.dc.gov/page/biannual-reports-juvenile-arrests>

Most disturbing of all are the sharp and persistent racial and ethnic disparities in the juvenile justice system. While two-thirds of the District’s youth is African-American, nearly all juveniles – 96 percent – arrested in the District of Columbia are African-American. This proportion has barely changed in the past five years.² Racial and ethnic disparities such as these weaken the justice system’s credibility and harms community cooperation with MPD. Given that nearly all arrested youth in the District are of color, any initiatives that limit the number of arrests will benefit youth of color.

Recommendation No. 3: Prioritize Evidence-Based Programs, And Not Incarceration, for Delinquent Youth

None of this is to suggest that teenagers who flout the law should not face consequences for doing so. However, the new Mayor needs to decide whether the best option for dealing with adolescent misbehavior is through the justice system. Given the long-term consequences stemming from arrest and incarceration, the answer must be no. Juvenile incarceration does not benefit public safety in the long run. Researchers who have looked comprehensively at the impact of secure placement on youth found that locked-up youth are more likely, not less, to continue to engage in delinquent behavior upon release than those who were not detained.³ Juvenile incarceration should only be used as a last resort and for those youth who pose a risk to public safety.

We urge Mayor-elect Bowser to support effective interventions that strengthen public safety: programs that prioritize early childhood education, programs for at-risk youth, and community investments that demonstrate effectiveness in reducing crime. For example, the Nurse-Family Partnership, a visitation program, has shown that home visits to new mothers can significantly reduce child abuse and neglect among participating families, as well as arrest rates for children and their mothers.⁴ A proven program for at-risk youth is Functional Family Therapy, which works to improve family interaction by enhancing emotional connections.⁵ And research shows that a community-level approach can be effective at preventing crime in high incarceration neighborhoods; studies have concluded that organizational participation and informal social control mechanisms can address violence at the neighborhood level.⁶

Arrested and incarcerated teenagers are far less likely to graduate and have greater difficulty obtaining employment. These records are likely to have dire consequences for District youth.

² Burns Institute. Unbalanced Juvenile Justice. Available: <http://data.burnsinstitute.org/content/documents/decision-making-points-2006-2012.xlsx>

³ Holman, B., & Ziedenberg, J. (2006) *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*. http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf

⁴ Greenwood, Peter W. and Turner, Susan “Juvenile Crime and Juvenile Justice,” *Crime and Public Policy*. 2011. Oxford University Press. New York, NY. Pg. 88-129.

⁵ Aos, S., Lee, S., Drake, E., Pennucci, A., Klima, T., Miller, M., Anderson, L., Mayfield, J., & Burley, M. (July, 2011). *Return on Investment: Evidence-Based Options to Improve Statewide Outcomes* (Document No. 11-07-1201A). Olympia: Washington State Institute for Public Policy. Greenwood, Peter W. and Turner, Susan “Juvenile Crime and Juvenile Justice,” *Crime and Public Policy*. 2011. Oxford University Press. New York, NY. Pg. 88-129.

⁶ Coleman, James S. 1988. “Social Capital in the Creation of Human Capital.” *American Journal of Sociology* 94: S95-120.

Recommendation No. 4: Remove Youth from the Adult Criminal Justice System

Along with using arrests only for those offenses that impact public safety, Mayor-Elect Bowser should support steps to remove youth from the adult criminal justice system. Current science on adolescent brain development confirms the common-sense observation that teenagers are not little adults. Teenagers are ill-equipped to weigh the consequences of bad behavior.⁷ Juvenile brains, guided an incomplete prefrontal cortex, simply do not function in the way adult brains do; that juveniles do not think about the future limits any deterrent effect of harsh punishments. What remains is not deterrence, but a cascade of consequences for youthful mistakes.

Importantly, because juvenile brains are still in the process of better understanding consequences -- and making better use of the rational parts of the brains (and eschewing the emotional parts) -- there is every reason to believe that adolescents who commit crimes are much more open to rehabilitation than are adults, no matter the severity of their crimes. Mayor-elect Bowser should push for reforms, such as the early versions of The Youth Offender Accountability and Rehabilitation Act of 2014 (Bill 20-825), to make three needed changes to DC law.

DC teenagers awaiting trials should not be held in adult jails. DC teenagers who are charged in adult court should have a chance for a hearing to send their cases, appropriately, to family court. DC teenagers should not have their prior offenses held against them (if new charges are filed) for purposes of trying the case in adult court, thus ending the practice called, "Once an adult, always an adult." These are common-sense reforms to help troubled youth and prevent them from getting tangled in a complex maze of the criminal justice system with little hope for exit.

We look forward to working with the new Mayor to build a justice system that assists troubled youth to develop into productive adults.

⁷ Coalition for Juvenile Justice, "What Are the Implications of Adolescent Brain Development for Juvenile Justice?" 2006. http://www.juvjustice.org/sites/default/files/resource-files/resource_134.pdf