

Keeping Youth Safe While in Custody

Testimony submitted by Bernard Warner, chief deputy of the California Division of Juvenile Justice, and president of the Council of Juvenile Correctional Administrators (CJCA) Feb. 22, 2010 before the US House Judiciary Sub Committee on Crime,

Chairman Scott, Chairman Conyers, Ranking Member Gohmert, and all members of the Crime Subcommittee - thank you for the opportunity to speak this afternoon about the important issue of keeping youth safe in juvenile facilities. Clearly, the report released two months ago by the Bureau of Justice Statistics (BJS) on sexual victimization in juvenile facilities has cast a bright light on the vulnerability of youth in our care. While there were alarming rates noted in many juvenile facilities, the truth is any sexual assault is unacceptable.

My name is Bernard Warner and I am the chief deputy of the California Division of Juvenile Justice (DJJ) where I am responsible for approximately 3,000 juvenile offenders ages 12 - 24, on parole and housed in five large institutions, with a budget of approximately 400 million dollars and over 2,000 staff. The state juvenile justice system in California is reserved for the highest risk, highest need youth in the state that cannot be managed at a local level. Over 95% are committed for serious violent crimes, and many have significant mental health and substance abuse issues. There is no greater responsibility I have than to keep youth and staff safe in our facilities.

In California, the state juvenile justice system is part of the California Department of Corrections and Rehabilitation, which also operates the largest prison system in the country. In both the juvenile and adult corrections, we have taken the Prison Rape Elimination Act very seriously and were early implementers of policies and procedures to ensure every effort was made to eliminate victimization. Key strategies such as employee training, offender education and appropriate classification of youth has, I believe, had a significant impact in reducing sexual victimization. We have also established pilot facilities that work with Just Detention International for independent review of our compliance with PREA policies and practices.

As result of a consent decree signed five years ago, DJJ has implemented many reforms to improve the safety of our youth. Better staffing, smaller living unit sizes, enhanced training in trauma informed care, specialized programs for those with mental health issues, engaging families – all have contributed to improvements and cultural change that has reduced victimization. Our facility

in the Los Angeles area, which has housed the most violent, gang entrenched youth in any correctional environment, actually was listed as a facility with a low rate of sexual victimization. Some of this can be attributed to our reforms to end violence.

In addition to representing the California Division of Juvenile Justice, I am also here as the current president of the professional association of state agency juvenile directors called the Council of Juvenile Correctional Administrators (CJCA.). Approximately 90% of states participate in the work of this association.

CJCA's mission is to improve juvenile correctional services so youth leave state custody with the skills and services they need to succeed in the community. CJCA works to achieve that goal by:

- Educating and training state directors on evidence-based practices and promising programs;
- Building tools for practitioners that are grounded in research and data and when implemented, result in positive outcomes for youths, staff and families.

Last month, CJCA convened a panel of state directors, including those leading facilities highlighted as "worst" in the BJS report, to talk and strategize about ways to eliminate sexual violence in facilities. All of the directors from the nearly 25 states present agreed that the most effective way to prevent sexual victimization is to ensure youths' safety – from all risks and dangers posed by facility life. Standards defining policies and procedures specific to sexual victimization alone will fall short of ending abuse in our facilities. There needs to be a broader focus on and support for creating an environment that is safe for youth, and establishing a culture that appropriately defines boundaries between staff and those under our care. How we make decisions as to where youth are housed, what programs and services we provide for them and the expectations for staff to appropriately engage youth, is critical to ending victimization in our facilities.

As individual states and as a national association, we are committed to working with federal partners to reduce and eliminate sexual violence in facilities. Several of us were invited by the Department of Justice, Office of Deputy Attorney General to participate in Listening Sessions and offered additional feedback on the Prison Rape Eliminate Act Commission standards for juvenile facilities. CJCA is preparing a standard-by-standard comment and review for the DAG office that will strengthen the standards to more effectively meet the goal of zero-tolerance for sexual victimization and add data to drive changes in practice and monitor continued safety in facilities. Although there is

a concern about the fiscal impact on implementing the standards, we also understand you cannot put a price on preventing victimization.

As we look toward solutions to improving the safety of youth in our care, we look to the Office of Juvenile Justice and Delinquency Prevention for resources to support technical assistance. The development and implementation of “best practices” which support staff training, youth assessments, and programs designed to improve the climate in detention facilities, is critical for long term improvements in the juvenile justice system. While progress has been made, certainly the BJS study demonstrates unacceptable failure throughout the country.

In addition, tools that measure change must be available for all jurisdictions so agencies can benchmark progress or identify barriers to safe facilities. CJCA is currently working with OJJDP to build on existing Performance Based Standards identify to provide a continuous self-improvement process that can be integrated into facility and agency operations and sustain positive change. The BJS report has clearly highlighted this need to better track data, be transparent and hold the system accountable.

Thank you for the opportunity to testify.

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