

April 8, 2009

The Honorable Patrick J. Leahy
Chairman
Senate Committee on the Judiciary
United States Senate
224 Senate Dirksen Office Building
Washington, DC 20510

The Honorable Arlen Specter
Ranking Member
Senate Committee on the Judiciary
United States Senate
152 Senate Dirksen Office Building
Washington, DC 20510

The Honorable Herbert H. Kohl
United States Senate
330 Senate Hart Office Building
Washington, DC 20510

The Honorable Richard Durbin
United States Senate
309 Senate Hart Office Building
Washington, DC 20510

Dear Senators Leahy, Specter, Kohl, and Durbin

The Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009 (S.678), which was introduced on March 24, 2009, provides critical support for improving juvenile justice and delinquency prevention practices and puts in place safeguards for youth, families and communities. For more than 30 years, the Juvenile Justice and Delinquency Prevention Act (JJDP A) has supported these endeavors. As the bill is currently written, it makes meaningful improvements that expand several of the core protections and other areas contained in the bill. The Justice Policy Institute (JPI) supports the bill and the changes that have strengthened the core protections and added other improvements to the juvenile justice system.

JPI is a non-partisan, not-for-profit think-tank dedicated to reducing society's reliance on incarceration and promoting effective and just public safety alternatives. Our research strongly supports many of the tenets of the JJDP A and concludes that continuing to support research to determine what works to prevent delinquency and help youth move past delinquency will improve the lives of youth and communities while improving public safety. JPI generally supports the entirety of the JJDP A and is particularly supportive of efforts to reduce detention, decrease confinement in adult facilities, decrease racial disparities, and improve conditions of confinement. In particular, JPI supports the following activities of S. 678:

- Encourages the use of comprehensive services, alternatives to detention, improvement of services, and research to support evidence-based practices: No evidence indicates that detention is an effective means of improving public safety, however treatment and evidence-based practices, such as Multi-Systemic Therapy, have been proven to improve the life outcomes of youth and cost less than incarceration. S. 678 promotes alternatives to detention and supports efforts to utilize evidence-based practices. JPI strongly encourages and supports alternatives to detention and increases in the availability of community-based substance abuse treatment and mental health services for youth.
- Strengthens the Disproportionate Minority Contact (DMC) core requirement: Youth of color are disproportionately over-represented and subject to more punitive sanctions at all levels of the juvenile justice system. S. 678 increases state accountability to decrease racial and ethnic disparities, requiring data-driven approaches to reduce racial and ethnic disparities that can be measured, quantified, and publicly reported.

- Improves the Jail Removal and Sight and Sound core requirements: Youth confined in adult jails and lock-ups face increased recidivism and high risks of assault and suicide. While our ultimate goal is to completely remove youth from adult facilities, S. 678 takes a step in this direction by extending the jail removal and sight and sound core requirements to keep youth awaiting trial in criminal court out of adult lock-ups under certain circumstances.
- Strengthens the deinstitutionalization of status offenders (DSO) core requirement: Under current law, non-delinquent status offenders, such as children who are truant, runaways or who violate curfew, alcohol and tobacco laws, may be held in juvenile lock-ups under the Valid Court Order (VCO) exception, which allows judges to issue detention orders. The practice persists despite evidence that securely detaining status offenders is harmful to development and costly, especially compared to more effective evidence-based, community and school interventions. S. 678 requires states that still permit the use of the exception to phase-out use of the VCO within three years, and allows states in need to apply for one-year hardship extensions through the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Until VCO elimination, S. 678 provides extra safeguards for status offenders in locked facilities, including limits on how long status offenders may be detained. The opportunity exists to strengthen provisions related to status offenses in terms of limiting length of stay in detention, ensuring that the status offenders are not subject to repeat detention orders and that hardship exception to the phase-out period are limited.
- Improves conditions of confinement for youth in secure facilities: S. 678 requires states to report on the use of isolation and restraints and encourages training of staff to limit the use of such dangerous practices. While it is promising that the bill seeks to reduce the use of dangerous practices in secure facilities, such as isolation and the use of restraints, clearer, more concise language that would encourage states to discontinue these and other abusive and dangerous practices would better protect children in custody.
- Sets more appropriate authorization levels for Title II and Title V: S. 678 provides states with the resources needed to achieve and sustain compliance with the core requirements of the JJDP and take meaningful steps to improve juvenile justice systems and prevent delinquency and violence. Authorization levels contained within the legislation are an important step in achieving sustainability.

In light of these advancements, we support S. 678 as a significant step towards improving the JJDP and offer ourselves as a resource as the bill moves through the legislative process. Thank you for your efforts on behalf of youth, families and communities across the country.

Sincerely,

Tracy Velázquez
Executive Director