

April 23, 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,

I am writing to express our strong support for **S. 678, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009**, which was introduced on March 24, 2009.

S. 678 strengthens and updates critical components of the Juvenile Justice Delinquency and Prevention Act (JJDP), which has been protecting youth across the nation for over 30 years. **S. 678** makes meaningful improvements that expand several of the core protections contained in the bill.

Mennonite Central Committee is the relief, development and peacebuilding organization of Mennonite and Brethren in Christ churches. For more than thirty years, Mennonites have been actively involved in the field of restorative justice, seeking responses to crime that address the needs of victims, offenders, and the communities that surround them.

This bill protects juvenile offenders, who most need – and are most responsive to – rehabilitative efforts, from abuse in four key ways.

Core Protections:

- **Strengthens the disproportionate minority contact (DMC) core protection:** Youth of color are disproportionately over-represented and subject to more punitive sanctions than similarly-charged/situated white youth at all levels of the juvenile justice system. **S. 678** gives guidance to states on complying with the DMC core protection by listing specific steps toward reducing DMC, including identifying and analyzing key decision points to determine where disparities exist, collecting data, developing a work plan, and publicly reporting such efforts.
- **Strengthens the jail removal and sight and sound core protection:** Youth confined in adult jails and lock-ups are more likely to re-offend upon release and are at a pronouncedly higher risk of suffering assault and committing suicide while confined. **S. 678** extends the jail removal and sight and sound core requirements to keep youth awaiting trial in criminal court out of adult

lock-ups and to ensure sight and sound separation in the limited circumstances where they are held in adult facilities. While we oppose incarcerating juveniles in adult facilities under any circumstances, S. 678 takes a step in the right direction.

- **Allows states to continue to serve youth tried in adult court in juvenile facilities without jeopardizing federal funding:** S. 678 would permit states to continue to house and rehabilitate youth convicted in adult court in juvenile facilities until they reach the state's extended juvenile jurisdiction age. Previous interpretation and application of the law penalized States for utilizing these more appropriate and humane placements for youth.
- **Strengthens the deinstitutionalization of status offenders (DSO) core protection:** Under current law, non-delinquent status offenders, such as children who are truant, runaway or 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 pro-social development and is costly, especially when compared to more effective responses including shelter care, crisis counseling, family support, and/or community and school based 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.

In light of the list above, we support this bill 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 across the country.

Sincerely,

Rachelle Lyndaker Schlabach
Director
Mennonite Central Committee
Washington Office