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† denotes Executive Committee

December 14, 2009

The Honorable Patrick Leahy
Chair, Senate Judiciary Committee
433 Russell Senate Office Building
Washington, DC 20510

The Honorable Jeff Sessions
Ranking member, Senate Judiciary Committee
335 Russell Senate Office Building
Washington, DC 20510

Dear Senators Leahy and Sessions:

We are pleased to take this opportunity to share our views on S. 678, the Juvenile Justice and Delinquency Prevention Reauthorization Act (JJDP A) of 2009. Members of the National Criminal Justice Association (NCJA) include the state, territorial and tribal chief executive officers of criminal justice agencies charged with managing federal, state, and tribal justice assistance resources. About half of these are the agencies which administer the programs authorized by the JJDP A.

NCJA members applaud the goals of S. 678 to preserve and strengthen the prevention, youth development and rehabilitation purposes of the JJDP A, and are committed to achieving the reforms envisioned by the bill. In particular, the bill focuses on employing evidence-based and promising practices to promote alternatives to detention and provide for the diversion from, and the safe and effective treatment for, youth in confinement. It also would further the progress we have made as a nation in keeping youth out of contact with adult offenders, from the time of arrest through confinement.

The committee should be aware, however, that some of the reforms in the bill will be costly to implement at a time when states are experiencing economic hardship. For instance, NCJA members strongly support the JJDP A's goal of separating juveniles from adult offenders. In the implementation of the reform envisioned by the Act, however, many states will be required to establish new facilities to house youthful offenders. Similarly, NCJA members are deeply committed to reducing the disproportionately high number of minority children who come into contact with the justice system. To accomplish real progress; however, will require a significant commitment to new programming, training and technical assistance across all segments of the juvenile and criminal justice systems and all regions of the states.

The promise of the JJDP A is federal support for innovative state approaches to reforming the juvenile justice system and improving the treatment of juveniles under the state's care. Since FY02, however, that federal financial support has dropped by more than 60 percent, severely impeding this progress. States have worked hard to stay in compliance with, and continue meeting the match requirements of, the JJDP A despite this divestment of federal support. Therefore, states are grateful to see such a strong commitment to restoring federal delinquency prevention funding included in S. 678. The bill would authorize funding levels for Titles II and V, in particular, at the FY02 levels which will allow all states to continue progress in reforming the juvenile justice system.

NCJA members also appreciate the time, flexibility and spirit of partnership in the bill, including the hardship provisions and other accommodations, which will allow all states to reach a common standard of protection and service for children in the juvenile justice system even when resources are scarce.

States also applaud two innovative approaches in the bill for encouraging state compliance with the requirements of the act. First, S. 678 establishes Improvement Grants to fund technical assistance and, importantly, to reinvest funds withheld as penalty for noncompliance. Instead of the current punitive practice of withholding and/or redirecting up to the majority of a state's grant for non-compliance with any one of the core protections, the Improvement Grant approach would allow the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to reallocate those dollars to the state to implement a corrective action plan developed in partnership with OJJDP.

Second, the bill would create a new Incentive Grants program to support and encourage the deployment of research-based promising intervention and prevention programs. Since the inception of the Act 35 years ago, states have achieved remarkable progress in reforming the juvenile justice system. Incentive Grants would promote and reward best practices by awarding grants to states that adopt evidence-based or promising approaches to juvenile justice reform and demonstrate results or show progress toward implementing best practices.

Finally, NCJA members believe the bill will help to restore the partnership between OJJDP and the state agencies responsible for carrying out the purposes of the Act. In recent years, the federal-state relationship has frayed. This bill seeks to restore the role once played by OJJDP by increasing transparency, by balancing compliance monitoring with expanded training and technical assistance, by an increased commitment to research, and by evaluating states' promising practices.

Thank you for your leadership, for your commitment to improving the juvenile justice system, and for supporting state efforts to prevent and reduce juvenile crime.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roland Mena', with a large, stylized initial 'R'.

Roland Mena
President