



National Council on Crime and Delinquency
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April 2, 2008

The Honorable George Miller
Chairman, House Education and Labor Committee
2181 Rayburn House Office Building
Washington, DC 20515

The Honorable Carolyn McCarthy
Chairwoman, Subcommittee on Healthy Families and Communities
House Education and Labor Committee
106 Cannon House Office Building
Washington, DC 20515

The Honorable Howard P. "Buck" McKeon
Ranking Member, House Education and Labor Committee
2101 Rayburn House Office Building
Washington, DC 20515

The Honorable Todd "Russell" Platts
Ranking Member, Subcommittee on Healthy Families and Communities
House Education and Labor Committee
1032 Longworth House Office Building
Washington, DC 20515

Dear Chairman Miller, Ranking Member McKeon, Chairwoman McCarthy, and Ranking Member Platts:

In the coming months, Congress will consider the reauthorization of the Juvenile Justice and Delinquency Prevent Act (JJDP). The National Council on Crime and Delinquency (NCCD) supports this reauthorization, and urges renewed commitment and strengthening of its programs and core protections.

NCCD is located in Oakland, CA, and is one of the nation's oldest and most respected criminal and juvenile justice research organizations. We celebrated our Centennial in 2006, and for over one hundred years we have been promoting fair, effective, humane, and economically sound solutions to justice problems. We support alternatives to incarceration towards that end, especially for juveniles.

The protections in the JJDPDA must not only be continued, but strengthened on the basis of what we have learned in the years since its inception in 1974.

The following are the specific areas that need attention:

- **Deinstitutionalization of Status Offenders (DSO)**
Incarceration of youth should only be used as a last resort. Family and community solutions to youth truancy, running away, and other status offenses offer the best chance for youth to have their needs addressed. **The “valid court order” clause has weakened this protection for status offenders and should be eliminated.**
- **Adult Jail and Lockup Removal**
The jail removal provisions of the original JJDPDA have “relaxed” due to the political pressure of appearing “tough on crime.” The continued broadening of exemptions that allow youth to be tried as adults have resulted in high numbers of youth housed with adults, in adult institutions. These adult institutions are sorely incapable of providing basic programming, education, health services, treatment, etc. **We support the protection of removing all youth from all adult facilities.**
- **Sight and Sound Separation**
Sight and sound provisions of the original JJDPDA have likewise been weakened, leading to the still unacceptable practice of housing juveniles with adults, regardless of thin attempts at compliance. **We are in agreement with other advocates that juveniles should never be housed with adults.**
- **Disproportionate Minority Confinement**
Across the nation, youth of color are more likely by far to be arrested, detained, referred to adult court, placed out of home, and sentenced as adults. This disproportion grows as youth become more deeply involved in the system (*And Justice for Some*, NCCD, Jan. 2007). **We urge Congress to require states to take action to reduce DMC.**
- **Conditions of Confinement**
In a wealthy nation that prides itself on its system of justice and general freedoms, and enlightened, there is no reason or excuse that anyone, let alone impressionable juveniles, should be subjected to abusive practices or degrading conditions. Restraint chairs, pepper spray, cages should be used with extreme caution if at all. Proper training of staff and continual monitoring is essential to protect youth in custody from harm. **We urge Congress to require adherence to best practices and humane standards in handling youth in detention.**
- **Definition of Adult Inmate**
For the reasons mentioned above under the “adult jail and lock-up removal” and “sight and sound” sections, several states—including California—allow juveniles who are convicted in adult court to serve their sentence in juvenile facilities until they reach the age of majority. However, guidance issued in the past several years by OJJDP would require states to separate youth prosecuted as adults from other youth in juvenile facilities. This change penalizes states who take more appropriate and humane approaches to placing youth within the criminal justice system. **We urge Congress to modify the definition of the term**

“adult inmate” to continue to give states, including California, the option of holding youth with other youth, instead of adults.

NCCD supports the Act 4 Juvenile Justice Campaign’s “Statement of Principles” signed by over 300 organizations nationwide and hopes its principles will be included in the final legislation.

You have our sincere appreciation for your attention to these important matters. Please feel free to contact us with questions or for further comment.

Sincerely,

A handwritten signature in blue ink that reads "Barry Krisberg". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Barry Krisberg, PhD
President
National Council on Crime and Delinquency