



**WASHINGTON BUREAU · NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE**  
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May 5, 2008

The Honorable Donald Payne  
US House of Representatives  
Washington, DC 20515

The Honorable Danny Davis  
US House of Representatives  
Washington, DC 20515

The Honorable Bobby Scott  
US House of Representatives  
Washington, DC 20515

The Honorable Yvette Clarke  
US House of Representatives  
Washington, DC 20515

*via fax*

**RE: NAACP SUPPORT FOR EFFECTIVE JUVENILE JUSTICE PROGRAMS**

Dear Representatives Payne, Scott, Davis and Clarke;

On behalf of the National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most widely-recognized grassroots civil rights organization, I am writing to let you know of our strong support for the reauthorization of the Juvenile Justice Delinquency and Prevention Act (JJDP) and the further strengthening of the JJDP programs and core protections. As members of the House Committee on Education and Labor, which has jurisdiction over the JJDP reauthorization, I hope that you will take the lead to ensure that our mutual concerns are addressed.

Currently, the number of adjudicated youth sent to residential placements, such as juvenile correctional facilities, has dramatically increased by 44% from 1985 to 2002 so that on any given day, over 90,000 youth found to be delinquent are in juvenile correctional facilities. Recent events also have highlighted the continued need for the JJDP. The events in Jena, Louisiana highlight the growing concerns about racial disparities in the justice system, the prosecution of youth as adults, and the placement of youth in adult jails. There have also been troubling incidents in Texas, South Dakota, Florida and elsewhere over the past few years that highlight the poor conditions many youth must endure while being held in juvenile detention or correctional facilities, boot camps and other facilities.

As you know, the JJDP provides federal funding for delinquency prevention and improvements in state and local juvenile justice programs, funds a nationwide juvenile justice planning and advisory system, and funds the operation of the Office of Juvenile Justice & Delinquency Prevention (OJJDP). For more than three decades, the JJDP has served to protect children in the justice system through the four core protections listed below. The NAACP supports retaining and strengthening these core protections.

- Disproportionate Minority Contact (“DMC”): Requires all states to focus on and assess the disproportionate contact of youth of color at all points in the justice system. According to the National Council on Crime and Delinquency in their January 2007 report, “And Justice for Some,” youth of color are over-represented at all stages in the juvenile justice system. This provision seeks to address the fact that youth of color receive much harsher sentences and are more likely to be incarcerated than white youth, even when charged with the same offense. Congress should strengthen the DMC core protection by adding specific steps for states to take to reduce all racial disparities in the system.
- Deinstitutionalization of Status Offenders (“DSO”): Ensures that status offenders (e.g. truants, runaways, and curfew violators), are not held in secure juvenile or adult jails or correctional facilities. Instead, more appropriate programs and services are provided to them and their families. Congress should update the JJDPa to ensure that all status offenders – who have not committed crimes – are kept out of secure facilities.
- Adult Jail and Lock-Up Removal (“Jail Removal”): Requires that youth cannot be detained in adult jails (with limited exceptions such as bad weather or prior to court appearances). Every day in America, an average of 7,500 youth are incarcerated in adult jails in the U.S. However, as many as one-half of all transferred youth will ultimately be sent back to the juvenile justice system or not be convicted. Most youth who are detained in adult jails, even if not convicted in adult court, will have spent at least one month in an adult jail and one in five of these youth will have spent over six months in an adult jail. It is extremely difficult to keep children safe in adult jails and new scientific evidence shows that placing youth in the adult criminal justice system increases their likelihood of re-offending. In addition, children in adult jails are at much greater risk of assault, abuse, and suicide.

Congress should update the JJDPa to reflect the original intent of the law: to remove youth from adult jails altogether. The JJDPa should extend the protections of the Act to all children, no matter what court they are in – juvenile or adult.

- “Sight and Sound” Separation: Requires that in the very limited circumstances where youth can be placed in adult jails, “sight and sound” contact with adults is prohibited. This provision seeks to protect youth from threats, intimidation, and other forms of psychological, physical or sexual abuse by adults. Congress should expand the definition of “sight and sound” separation to apply to all juveniles, whether or not they are tried as adults.

Congress should also encourage more humane conditions of confinement for youth in custody. In order to accomplish this goal, Congress should require that states adopt policies and procedures to stop dangerous practices that cause unreasonable risk of physical injury, pain, or psychological harm. Congress should also bar the use of federal JJDPa funds for any programs or facilities that

engage in these dangerous practices. Finally, Congress should require OJJDP to adopt best practices for providing safe and humane environments for youth.

Lastly, there are less severe alternatives to detaining or committing youth, and, most importantly, they work. Community-based programs, including diversion programs, drug treatment, evening reporting centers, treatment clinics and family programs, have been shown to be less costly than detention or incarceration and help youth stay out of trouble and to not re-offend. The JJDPA should be updated to decrease over-reliance on detention, detention of status offenders, promote effective community-based alternatives to detention and incarceration, and reduce racial disparities in the justice system.

We look forward to working with you and groups such as the Campaign for Youth Justice to ensure that our Nation's youth, including those of racial or ethnic minority backgrounds, are treated fairly and humanely and are given the opportunity to turn their lives around once they have come in contact with the law. Thank you in advance for your attention to the NAACP position. Should you have any questions or comments, please do not hesitate to contact me at my office at (202) 463-2940.

Sincerely,

A handwritten signature in black ink, appearing to read "Hilary O. Shelton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Hilary O. Shelton  
Director