



July 7, 2008

The Honorable Patrick Leahy
The Honorable Arlen Specter
The Honorable Herb Kohl
United States Senate
Washington, DC 20510

Dear Senators Leahy, Specter and Kohl:

On behalf of the National PTA and our more than 5 million members who are parents, teachers, students, and other child advocates, I am writing to express our strong support for S. 3155, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008 (JJDP). We are pleased to see such positive movement to reauthorize JJDP, including updates and improvements to the federal core requirements, research and training resources and other key areas of the law. While we are supportive of S. 3155, we would like to see the bill strengthened further by the following amendments:

- Removal of Youth from Adult Jails and Lock-Ups: Although S. 3155 extends the jail removal and sight and sound core requirements to keep youth awaiting trial in criminal court out of adult jails and lock-ups under certain circumstances, PTA requests that an amendment be offered to remove completely these youth from adult facilities under any circumstances.
- Phase-out the Valid Court Order (VCO) Exception: Current law allows status offenders to be detained in juvenile lock-ups under a Valid Court Order (VCO) exception. While S. 3155 requires judicial findings and establishes a ceiling of 7 days for secure detention, we support strongly an amendment to phase-out the VCO exception (see attached) to protect status offenders from being locked up in facilities where they are vulnerable to victimization and at risk of developing delinquent behaviors.
- Clearer Language to Improve Conditions of Confinement in Juvenile Facilities: While S. 3155 requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to report data on the uses of isolation and restraints in juvenile detention facilities and requires states to develop policies, procedures and training to eliminate use of dangerous practices, unreasonable restraints and isolation, PTA encourages adoption of clearer language that requires elimination of dangerous practices, unreasonable restraints and isolation, and states to ensure that facilities establish safe staffing levels and effective programming in addition to effective behavior management. These are all essential elements in ensuring the safety of youth and reducing the use of harmful practices.

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- Evidence-based Incentive Grants: Although, S. 3155 expands evidence-based and promising intervention and prevention programs by creating incentive grants, we would support strongly consideration of an amendment to ensure that programs funded by these grants show evidence-based or promising outcomes of effectiveness.

S. 3155 makes a significant step forward and improves current law. While we are supportive of the bill, we are hopeful the bill can be amended further to remove youth completely from adult correctional facilities under any circumstances, provide for stronger conditions of confinement language, phase-out the VCO exception that confines youth status offenders in juvenile facilities and improve the incentive grants language.

Thank you for your continued efforts on behalf of children and youth. I hope you will consider PTA's recommendations for amending the proposed legislation. Please contact Keri Haars, Public Policy Specialist at (202) 289-6790 or khaars@pta.org if PTA can be of any assistance as this legislation moves forward.

Sincerely,

A handwritten signature in black ink that reads "Jan Harp Domene". The signature is written in a cursive, flowing style.

Jan Harp Domene
PTA National President

Bold text is the amendment PTA supports to the JJDPa core requirement on “Deinstitutionalization of Status Offenders” to phase-out use of the Valid Court Order exception:

42 U.S.C. 5633 [Sec. 223.] State plans

(11) in accordance with rules issued by the Administrator, provide that -

(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding -

(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

shall not be placed in secure detention facilities or secure correctional facilities; and

(B) juveniles --

(i) who are nonoffenders or not charged with any offense; and

(ii) who are -

(I) aliens; or

(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities.

(C) within two years of the date of enactment of this subparagraph, or sooner if possible, no exceptions to this paragraph shall be permissible in relation to—

(i) juveniles who are charged with or who have committed a violation of a valid court order; and

(ii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State; and

(D) states and local units government or combination thereof shall encourage the use of community-based alternatives to secure detention, including the federal Runaway and Homeless Youth Act (RHYA) programs administered by the Family and Youth Services Bureau of the U.S. Department of Health and Human Services’ Administration for Children and Families (42 U.S.C. 5701)

(E) Hardship extension. States may apply for a one-year extension to comply with this paragraph. To apply, States must submit an application to the Administrator describing:

(1) the State’s measurable progress and good faith effort to reduce the number of status offenders who are placed in secure detention or correctional facilities; and

(2) the State’s plan to come into compliance within one year.

Filename: Reauthorization of JJDP A S 3155 letter to Judiciary
Committee (2).doc
Directory: C:\Documents and Settings\cdonaldson\Desktop
Template: C:\Documents and Settings\cstevens\Local
Settings\Temporary Internet Files\OLK11E\PTA Letterhead 12-06 (2).dot
Title: May 8, 2006
Subject:
Author: Craig Stevens
Keywords:
Comments:
Creation Date: 7/7/2008 1:25:00 PM
Change Number: 4
Last Saved On: 7/7/2008 1:27:00 PM
Last Saved By: Christopher Donaldson
Total Editing Time: 2 Minutes
Last Printed On: 7/7/2008 1:27:00 PM
As of Last Complete Printing
Number of Pages: 3
Number of Words: 880 (approx.)
Number of Characters: 4,834 (approx.)