

July 10, 2008

The Honorable Patrick J. Leahy
Chairman, Committee on the Judiciary
United States Senate
433 Russell Senate Office Building
Washington, DC 20510-4502

The Honorable Arlen Specter
Ranking Member, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, DC 20510-3802

Dear Chairman Leahy and Senator Specter:

The Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008 (S.3155) provides critical support for improving juvenile justice and delinquency prevention practices and puts in place safeguards for youth, families and communities. For more than 30 years, the Juvenile Justice and Delinquency Prevention Act (JJDPA) has supported these endeavors. Now is the time to further strengthen the JJDPA to reflect the advances that have been made in research and services to prevent delinquency and intervene in the lives of youth who have been involved in the juvenile justice system. The Justice Policy Institute (JPI) supports the bill and also urges further amendments to provide for stronger conditions of confinement language, improved incentive grants language, and a phase-out of the statutory authority to confine youth status offenders in juveniles facilities.

JPI is a non-partisan, not-for-profit think-tank dedicated to reducing society's reliance on incarceration and promoting effective and just public safety alternatives. Our research strongly supports many of the tenets of the JJDPA and concludes that continuing to support research to determine what works to prevent delinquency and help youth move past delinquency will improve the lives of youth and communities while improving public safety. JPI generally supports the entirety of the JJDPA and is particularly supportive of efforts to reduce detention, decrease confinement in adult facilities, decrease racial disparities, and improve conditions of confinement. In particular, JPI supports the following activities of S. 3155:

- Encourages the use of alternatives to detention, improvement of services, and research to support evidence-based practices: No evidence indicates that detention is an effective means of improving public safety, however treatment and evidence-based practices, such as Multi-Systemic Therapy, have been proven to improve the life outcomes of youth and cost less than incarceration. S. 3155 promotes alternatives to detention and supports efforts to utilize evidence-based practices. JPI strongly encourages and supports alternatives to detention and increases in the availability of community-based substance abuse treatment and mental health services for youth.
- Strengthens the Disproportionate Minority Contact (DMC) core requirement: Youth of color are disproportionately over-represented and subject to more punitive sanctions at all levels of the juvenile justice system. S. 3155 increases state accountability to decrease racial and ethnic disparities, requiring data-driven approaches to reduce racial and ethnic disparities that can be measured, quantified, and publicly reported.

- Improves the Jail Removal and Sight and Sound core requirements: Youth confined in adult jails and lock-ups face increased recidivism and high risks of assault and suicide. While our ultimate goal is to completely remove youth from adult facilities, S. 3155 takes a step in this direction by extending the jail removal and sight and sound core requirements to keep youth awaiting trial in criminal court out of adult lock-ups under certain circumstances.
- Strengthens the deinstitutionalization of status offenders (DSO) core requirement: Under current law, non-delinquent status offenders, such as children who are truant, runaways or who 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 development and costly, especially compared to more effective evidence-based, community and school interventions. While S. 3155 requires judicial findings and establishing a ceiling of 7 days for secure detention, we strongly support an amendment to phase-out altogether the VCO exception to protect status offenders from being locked up, where they are vulnerable to victimization and at risk of developing delinquent behaviors.
- Improves conditions of confinement for youth in secure facilities: S. 3155 requires states to report on the use of isolation and restraints and encourages training of staff to limit the use of such dangerous practices. While it is promising that the bill seeks to reduce the use of dangerous practices in secure facilities, such as isolation and the use of restraints, clearer, more concise language that would encourage states to discontinue these and other abusive and dangerous practices would better protect children in custody.

In light of these advancements, we support S. 3155 as a significant step towards improving the JJDPA and offer ourselves as a resource as the bill moves through the legislative process. Thank you for your efforts on behalf of youth, families and communities across the country.

Sincerely,



Sheila Bedi, Esq.
Executive Director

cc: Senate Judiciary Committee Members

Senator Edward M. Kennedy
Senator Joseph R. Biden, Jr.
Senator Herb Kohl
Senator Dianne Feinstein
Senator Russell D. Feingold
Senator Charles E. Schumer
Senator Richard J. Durbin
Senator Benjamin L. Cardin
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