



Rhode Island KIDS COUNT
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July 16, 2008

The Honorable Sheldon Whitehouse
United States Senate
Dirksen Senate Office Building, Office SD-B40D
Washington, DC 20510

Dear Senator Whitehouse:

We truly appreciate your efforts to improve the Juvenile Justice landscape throughout the country and your work on behalf of Rhode Island youth involved in the juvenile justice system. I have already written to you regarding the deinstitutionalization of status offenders and the valid court order exceptions in S. 3155 (the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008), and I wanted to follow-up and request your leadership on a few other related issues. Rhode Island KIDS COUNT strongly supports S. 3155. However, we are hopeful that the bill can be further amended to provide stronger conditions of confinement language, improved incentive grants language, and a phase-out of the statutory authority to confine youth status offenders in secure facilities of any kind.

We would also like to ask you to be the sponsor of an amendment to strengthen the incentive grants provision to ensure that the funding associated with JJDPA is targeted to programs that work.

S. 3155 meaningfully updates and improves many of the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) core requirements, research and training resources and other key areas of the law. We are pleased to see such positive movement to reauthorize the JJDPA, which, for more than 30 years, has provided states and localities with federal standards and supports for improving juvenile justice and delinquency prevention practices and put in place safeguards for youth, families and communities.

As you know, due to our major state budget crisis, Rhode Island's leaders are working to increase the use of community-based interventions for youth involved in the Rhode Island juvenile justice system. The state legislature recently passed a cap on the number of youth who can be incarcerated or detained at the Rhode Island Training School in order to save money and decrease recidivism. There is also a group of providers and state agency leaders who are working together to create the systems needed to make this transition to community-based services effective and efficient. We are at a critical juncture in the planning process where stronger JJDPA language would help us to ensure the rights and services of our young people.

We specifically applaud the progress represented by the following amendments in S. 3155:

Core Requirements

- Strengthens the Disproportionate Minority Contact (DMC) core requirement.
- Improves the Adult Jail Removal and Sight and Sound core requirements.

- Allows states to continue to place youth convicted in adult court in juvenile facilities without jeopardizing federal funding.
- As we have written to you about previously, we are particularly concerned with strengthening the deinstitutionalization of status offenders (DSO) core requirement. Under current law, non-delinquent status offenders, such as children who are truant, runaway or violate curfew, alcohol and tobacco laws, may be held in juvenile lock-ups under the Valid Court Order exception, which allows judges to issue detention orders. The practice persists despite evidence that securely detaining status offenders is harmful to pro-social development and costly, especially compared to more effective responses including shelter care, crisis counseling, family support, and/or community and school based interventions. While S. 3155 goes part of the way to strengthening this element of the law, in that it requires judicial findings and establishing a ceiling of 7 days for secure detention, we strongly support an amendment to phase-out the VCO exception altogether (see attached) to protect status offenders from being locked up, where they are vulnerable to victimization and at risk of developing delinquent behaviors.

Other juvenile justice system improvements and improved supports for states

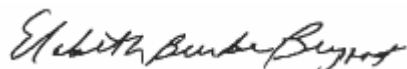
- Provides comprehensive services and supports for youth, including alternatives to detention, assessments and treatments for mental health and substance abuse, enhanced child welfare and juvenile justice integration, effective assistance of counsel, and improved case management and transitional care for youth upon re-entry.
- Creates incentive grants that expand evidence-based and promising intervention and prevention programs. We would strongly support consideration of an amendment to ensure that programs funded by these grants show evidence-based or promising outcomes of effectiveness, and we request that you consider sponsoring such an amendment.
- Expands the role of OJJDP S. 3155 provides guidance about specific research, technical assistance and training efforts to be conducted in a manner that benefits states and communities, nationwide.

Funding levels

- Sets more appropriate authorization levels for Title II and Title V: S. 3155 provides States with the resources to achieve and sustain compliance with the core requirements of the JJDPA and take meaningful steps to improve juvenile justice systems and prevent delinquency and violence.

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,



Elizabeth Burke Bryant
Executive Director
Rhode Island KIDS COUNT

Bold text is the amendment we support 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.