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July 16, 2008

The Honorable Patrick J. Leahy
United States Senate
433 Russell Senate Office Building
Washington, D.C. 20510

Re: Expression of Strong Support for S. 3155

Dear Chairman Leahy:

On behalf of the Coalition for Juvenile Justice, we write to express our strong support for S. 3155, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008, as introduced.

For more than 30 years, the Juvenile Justice and Delinquency Prevention Act (JJDP Act) 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 the Senate Judiciary Committee prepares to take up the bill, we thank you and your colleagues, Ranking Member Arlen Specter and Senator Herb Kohl, for strong bipartisan leadership.

The Coalition for Juvenile Justice (CJJ) is a national nonprofit organization, based in Washington, D.C., comprising members and staff of the Governor-appointed State Advisory Groups (SAGs) charged with fulfilling the mandates as well as the spirit of the JJDP Act. Representing our membership nationwide in crafting this position of support is the CJJ Council of State Advisory Groups (SAGs), including forty-six (46) SAG Chairs/Chair-designees from the States. Working together with allied individuals and organizations, SAGs seek to improve the circumstances of vulnerable and troubled children, youth and families involved with the courts, and to build safe communities. Today, more than 1,500 CJJ members span the States, Territories and the District of Columbia ("the States"), providing a forum for sharing best practices, innovations, policy recommendations and peer support.

Given our unique charge and influence, earlier this year the CJJ Council of SAGs, by a two-thirds or more majority of States present and voting, ratified a Platform of Position on the Reauthorization of the Juvenile Justice and Delinquency Prevention Act, which set forth 13 planks or recommendations on JJDP Act Reauthorization written as guidance to members of Congress. We are pleased to note that all 13 recommendations articulated in the CJJ Platform are reflected in S. 3155, either in whole or in significant part.

CJJ specifically applauds the progress represented by the following amendments to the JJDP Act proposed in S. 3155:

S. 3155 establishes more appropriate authorization levels to preserve and advance best practices in juvenile justice and delinquency prevention:

- Articulates definitive authorization levels for Title II and Title V: In keeping with Plank I of the CJJ Platform, S. 3155 will provide Congressional appropriators with better guidance to supply States with the resources to achieve and sustain compliance with the core requirements of the JJDP and take meaningful steps to improve juvenile justice systems and prevent delinquency and violence.

S. 3155 increases support for the States to fulfill the letter and the spirit of the JJDP:

- Establishes Improvement Grants, conditioned on a corrective action plan, that will support States' efforts to comply with the core requirements via technical assistance from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the reinvestment of any funds previously withheld due to non-compliance with one or more of the core requirements. This is in keeping with Plank II of the CJJ Platform.
- Establishes a new Incentive Grants program, in keeping with Plank III of the CJJ Platform, to expand the development and adoption of empirically-supported, evidence-based and promising intervention and prevention programs at the state and local levels.
- Affirms and strengthens the critical role of OJJDP and improves accountability for OJJDP and the States by increasing transparency and timeliness with regards to planning and reporting responsibilities, and providing guidance about specific research, technical assistance and training efforts to be conducted in a manner that benefits the States and the communities they serve, in keeping with Planks IV and V of the CJJ Platform.
- Confirms and restores the original advisory and technical assistance functions of an independent, nonpartisan and representative organization of SAGs, which ensures that federal juvenile justice policies and practices are informed by the knowledge and expertise of the field, in keeping with Plank VI of the CJJ Platform.

S. 3155 enhances safeguards for children and youth who come into contact with the juvenile justice system:

- Allows States to continue to serve youth adjudicated in adult court in juvenile facilities without jeopardizing federal compliance and/or funding: In keeping with Plank VII of the CJJ Platform, S. 3155 will permit many States that utilize appropriate and effective placements for youth to continue to do so by allowing youth adjudicated in adult court to serve their sentences in juvenile facilities until they reach the States' extended juvenile jurisdiction ages.
- Improves the Deinstitutionalization of Status Offenders (DSO) core requirement: Plank VII of the CJJ Platform supports a phasing out of the Valid Court Order (VCO) exception over a period of three years, and we realize that S. 3155 does not adopt this recommendation. We are pleased to see, however, that in order to move States towards decreased use of the VCO exception to the DSO core requirement, and achieve the core requirement's original purpose, S. 3155 requires explicit judicial findings before a status offender is detained under the VCO exception and, for the first time, establishes a ceiling of 7 days for any secure detention of a status offender.
- Improves the Jail Removal and Sight and Sound core requirements: Similar to Plank IX of the CJJ Platform, S. 3155 extends the jail removal and sight and sound core requirements to juveniles awaiting trial in criminal court in order to keep them out of adult jails and lock-ups, with limited exceptions. This improvement demonstrates Congress' ability to differentiate between the needs of adults and the needs of children and youth who come into contact with the justice system.
- Strengthens the Disproportionate Minority Contact (DMC) core requirement: In keeping with Plank X of the CJJ Platform, S. 3155 builds on current, collaborative efforts by providing clearer direction to States and

localities to plan and implement data-driven approaches to ensure fairness and to reduce racial and ethnic disparities, to set measurable objectives for DMC reduction, and to publicly report on progress.

In addition, S. 3155 advances overall juvenile justice system improvements:

- Provides comprehensive services and supports for youth: In keeping with Plank XI of the CJJ Platform, S. 3155 promotes alternatives to detention, calls for improved assessments and treatments for mental health and substance abuse, enhances child welfare and juvenile justice integration and improves case management and transitional care for youth upon re-entry. **CJJ also urges you to include language to further strengthen the JJDPAs focus on addressing the behavioral health (mental health, substance abuse and co-occurring) needs of court-involved youth, in a manner that is similar to amendments proposed in H.R. 3411, the Juvenile Crime Reduction Act, authored by Rep. Patrick Kennedy.**
- Affirms and supports a child's right to counsel: In keeping with Plank XII, S. 3155 draws critical attention to a child's right to the effective assistance of counsel in delinquency proceedings. **Given the longstanding right to counsel granted by the U.S. Supreme court (*In re Gault; Kent v. U.S.*), CJJ would also encourage you to consider a small but important change to S. 3155, as follows:**
Section 208(d) Technical Assistance to States Regarding Legal Representation of Children.—The Administrator shall provide technical and financial support to an expert body of representatives of organizations (national and state) to develop national standards of practice for attorneys representing children in juvenile delinquency matters and promote the adoption of such standards at the state and local levels;”

Finally, S. 3155 preserves and guards the community-connected prevention, youth development and rehabilitation emphases of the JJDPAs:

- Keeps the focus on prevention and intervention: In keeping with Plank XIII of the CJJ Platform, S. 3155 does not introduce or entertain unnecessary and punitive approaches to delinquency prevention and intervention. As the bill moves through the Judiciary Committee, we trust that you will do everything within your power to preserve the prevention focus of the JJDPAs by guarding against any amendments that would link the JJDPAs to provisions and/or other forms of federal legislation that introduce new federal categories of juvenile crime, new or enhanced federal penalties affecting juveniles, or incentives for States to advance new or enhanced penalties for juveniles.

More than thirty years after its enactment, the JJDPAs stands as one of the most successful standard-setting statutes at the federal level, and at its heart recognizes the value of citizen-driven efforts to prevent and stem delinquency. Our continuing success depends on Congress reaffirming and enhancing the provisions of the JJDPAs, and providing the leadership and financial resources needed to fulfill such provisions to the greatest possible extent. In that frame, S. 3155 advances our collective goals and takes our collective efforts to the next level.

Once again, CJJ's broad nationwide membership wishes to thank you for your leadership and consideration of our positions and ideas. We believe that children, families and communities across the nation will be well-served by the important amendments to the JJDPAs that are made in S. 3155, as introduced. We are proud to stand with you to ensure a strong and forward thinking Reauthorization of the JJDPAs.

On this 16th day of July, 2008, the CJJ Council of State Advisory Groups (SAGs) has consented to ratify this letter of support for Senate Bill 3155, "The Juvenile Justice and Delinquency Prevention Reauthorization of 2008 Act."

Witnessed by: Robert H. ("Robin") Jenkins, Ph. D.
Robert H. ("Robin") Jenkins, CJJ National Chair, 2008-09

Cc: The Honorable Arlen Specter (R-PA)
The Honorable Herbert H. Kohl (D-WI)
The Honorable Edward M. Kennedy (D-MA)
The Honorable Joseph R. Biden, Jr. (D-DE)
The Honorable Dianne Feinstein (D-CA)
The Honorable Russell D. Feingold (D-WI)
The Honorable Charles E. Schumer (D-NY)
The Honorable Richard J. Durbin (D-IL)
The Honorable Benjamin L. Cardin (D-MD)
The Honorable Sheldon Whitehouse (D-RI)
The Honorable Orrin G. Hatch (R-UT)
The Honorable Charles E. Grassley (R-IA)
The Honorable Jon L. Kyl (R-AZ)
The Honorable Jeff Sessions (R-AL)
The Honorable Lindsey O. Graham (R-SC)
The Honorable John Cornyn (R-TX)
The Honorable Sam Brownback (R-KS)
The Honorable Tom Coburn (R-OK)