

National Juvenile Justice & Delinquency Prevention Coalition

July 16, 2008

The Honorable Patrick J. Leahy, Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Arlen Specter, Ranking Member
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Herb Kohl
Committee on the Judiciary
United States Senate
330 Hart Senate Office Building
Washington, DC 20510

Re: In Support of S. 3155, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008

Dear Chairman Leahy, Senator Specter and Senator Kohl:

On behalf of the National Juvenile Justice and Delinquency Prevention Coalition (“the Coalition”), we wish to thank you once again for your strong and critical leadership on S. 3155, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008. For many years, the Coalition has proudly represented more than 80 national organizations who work on youth development and juvenile justice issues. The Coalition includes a broad range of groups, such as faith-based and education groups, as well as prevention-oriented law enforcement and corrections organizations. One of the working groups for the Coalition - the Act4JJ working group - has been working closely with members of the Judiciary Committee to inform the Reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPDA) for the past two years.

We strongly support S. 3155 for many reasons, including the following:

(1) The bill adds critical additions to the JJDPDA to keep youth out of adult jails and prisons.

As the original intent of the JJDPDA was to protect youth from the dangers of adult facilities, S. 3155 updates the federal law in light of extensive research that shows that youth in adult facilities are at a great risk of assault, abuse, and suicide compared to youth in juvenile facilities. Youth placed in adult jails with adults are at risk of physical and sexual assault. S. 3155 substantially improves the “Jail Removal” and “Sight and Sound” core requirements of the JJDPDA by extending federal protections to all youth – whether they are prosecuted in juvenile or adult court – and resolves the “adult inmate” definition in a manner that will allow States to continue to place youth convicted in adult court in juvenile facilities without jeopardizing federal funding, in accordance with State law and court practice. In sum, your bill supports State when they place pre-trial and offending youth in age-appropriate and rehabilitative settings, rather than allowing them to languish or to be in harm’s way in adult jails and prisons.

(2) The bill focuses on reducing racial and ethnic disparities in juvenile justice.

S. 3155 makes important improvements to the Disproportionate Minority Contact (DMC) core requirement by providing clear guidance to States, as well as new resources and accountability measures. We are pleased to see language included in S. 3155 to outline the steps that States and localities must take toward reducing

racial and ethnic disparities, including identifying and analyzing key decision points to determine where disparities exist, collecting data, developing a work plan, and publicly reporting on progress. This is a critical change because at every level of the juvenile justice system, youth of color are disproportionately represented. This overrepresentation is evidenced at many stages of the juvenile justice system process. Furthermore, time and experience have shown that racial and ethnic disparities must be analyzed based on system processing data, allowing solutions to be driven by data and measurable outcomes to be tracked and understood.

(3) Your legislation assists States in their capacity to comply with the federal law.

The bill ensures that States will receive technical assistance to comply with the law, and for States not in compliance, JJDP funds that would otherwise have been withheld can be used by the States as Improvement Grants to regain compliance in that specific area.

Moreover, the bill strengthens the role of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) by encouraging OJJDP to provide an expanded role in working with the States, and the national association of State Advisory Groups, to provide research, technical assistance, and training that is responsive to the needs of States and localities. The bill also increases transparency and accountability to the Congress and the public by making state plans and OJJDP decision-making publicly available.

(4) S. 3155 expands OJJDP’s role in producing an annual report to the Congress by ensuring critical information will be included on conditions of confinement, juveniles transferred to criminal court, juvenile status offenders, behavioral health and other special needs of juveniles and families involved with the court. The bill also expands and supports the role of OJJDP and the States in addressing key areas of need, including juvenile re-entry, mental health and behavioral health services, effective assistance of counsel, improved management of juvenile facilities, the needs unique to girls and other special populations, as well as workforce development.

(5) Importantly, S. 3155 that authorizes specific funding levels for the grant programs instrumental to the JJDP’s success (Title II, Title V, Mentoring and Incentive Grants), and we applaud you for providing resources to truly assist States and localities to effectively implement the provisions of the JJDP.

The Coalition also urges you to support the following amendments to strengthen the bill:

(A) Fully phase-out and eliminate the use of court orders that place status offenders in lock-ups.

While S. 3155 takes an important first step toward strengthening the JJDP core requirement on “deinstitutionalization of status offenders (DSO)” by limiting the length of time a youth can be held in secure detention in response to a Valid Court Order (VCO) to a maximum of 7 days and requires judicial findings before a detention order can be made, we would ask that you consider a stronger amendment. States, courts and judges throughout the nation, including in Vermont and Pennsylvania, have demonstrated that non-delinquent, vulnerable youth are most effectively served by community-based, family-connected interventions, or as needed highly-structured crisis care. Fully one-third of the States have already eliminated the VCO and others, such as Vermont, Pennsylvania and Maryland manage status offenders with use of the VCO exception. The Coalition asks you to work to eliminate the use of the Valid Court Order (VCO) exception in any final bill.

(B) Meaningfully expand the bill’s behavioral health provisions to support State efforts to provide assessment, treatment, diversion, family engagement and other services for youth whose principal needs are substance abuse, mental health and/or co-occurring needs.

The bill includes provisions to encourage States and localities to implement programs and pursue alternatives to detention for youth with mental health needs. We urge you to strengthen these provisions as youth with mental health needs or co-occurring disorders are heavily represented in the population of youth in the juvenile and adult criminal justice system. According to the National Center for Mental Health and Juvenile Justice, nearly 70 percent of the youth placed in the juvenile justice system have a mental health disorder, and up to 60 percent of these youth have a co-occurring abuse disorder. The needs of this population of youth must be met.

We urge you to include provisions to increase the States’ and localities’ capacity to respond to youth with behavioral health needs, including amplified training and technical assistance from OJJDP regarding the disposition of cases involving youth who enter the juvenile justice system and vastly increased supports to divert of youth with mental health, substance abuse and co-occurring disorders into evidence-based and promising home and/or community-connected care, rather than incarceration.

(C) Continue to improve the definition of “promising” under the proposed Incentive Grants language, by making a small but important amendment to require that any program identified as “promising” has been evaluated using a rigorous and validated study method.

(D) Vote against any amendments that will weaken the improvements made to the JJJPA core requirements in the bill and strenuously oppose all unrelated or punitive amendments, including amendments to add new categories of crime, penalty enhancements and/or mandatory minimums. Regrettably, if provisions that roll back the spirit or potentially delay the bill are included, the Coalition will oppose S. 3155 and urge Members to vote against it.

For more than 30 years, the JJJPA has been a successful standard-setting and prevention-focused bill. We ask you to continue to support its core purposes and to dissuade any of your colleagues who seek to use S. 3155 as a vehicle for any sort of juvenile penalty structure. If punitive and counter-productive amendments are added, many of the organization involved in the Coalition would have to withdraw support because we believe that such amendments would undermine the overall goals of the bill and run counter to the research on what works best to reduce juvenile delinquency and offending.

In conclusion, we urge you to support S. 3155, the Juvenile Justice & Delinquency Prevention Act of 2008, and strengthening amendments to the bill and opposed weakening, unrelated punitive or counter-productive amendments.

We commend you for your leadership on S. 3155. We share your vision and belief in continuing and advancing the critical work done by the Congress, the Department of Justice, the States and localities under the JJJPA. Once again, man thanks for your efforts on behalf of our nation’s youth and communities. We look forward to continuing to work with you on this important issue.

Sincerely,

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