

December 1, 2009

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

The Honorable Jeff Sessions
Ranking Member
Senate Committee on the Judiciary
United States Senate
326 Russell Senate Office Building
Washington, DC 20510

The Honorable Herbert H. Kohl
United States Senate
330 Senate Hart Office Building
Washington, DC 20510

The Honorable Richard Durbin
United States Senate
309 Senate Hart Office Building
Washington, DC 20510

Dear Senators Leahy, Sessions, Kohl, and Durbin

On behalf of the organizations listed below, we are writing to express our strong support for S. 678, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009, which was introduced on March 24, 2009.

S. 678 strengthens and updates critical components of the Juvenile Justice Delinquency and Prevention Act (JJDP), which has been protecting youth across the nation for over 30 years. S. 678 makes meaningful improvements that expand several of the core protections and other areas contained in the bill.

The bill responds to the following needs, identified by hundreds of state and local constituents and stakeholder organizations nationwide, with whom the Senators and their staff members have engaged and given voice in the process of crafting this legislation:

Core Protections:

- Strengthening the Disproportionate Minority Contact (DMC) core protection: Research has documented that youth of color are disproportionately over-represented and subject to more punitive sanctions than similarly-charged/situated white youth at all levels of the juvenile justice system. S. 678 gives guidance to States on complying with the DMC core protection by listing specific steps toward reducing DMC, including identifying and analyzing key decision points to determine where disparities exist, collecting data, developing a work plan, and publicly reporting such efforts.
- Strengthening the Jail Removal and Sight and Sound core protection: Research shows youth confined in adult jails and lock-ups are more likely to re-offend upon release and while confined are at pronounced high risk of suffering assault and committing suicide. S. 678 extends the jail removal and sight and sound core requirements to keep youth awaiting trial in criminal court out of adult lock-ups and to ensure sight and sound separation in the limited circumstances where they are held in adult facilities. While our recommendation is to remove all youth under age 18

from adult facilities and ensure sight and sound separation, S. 678 takes a good step in this direction.

- Allows States to continue to serve youth tried in adult court in juvenile facilities without jeopardizing federal funding: S. 678 would permit States to continue to house and rehabilitate youth convicted in adult court in juvenile facilities until they reach a State's extended juvenile jurisdiction age. Previous interpretation and application of the law penalized States for utilizing these more appropriate and humane placements for youth.
- Strengthening the deinstitutionalization of status offenders (DSO) core protection: 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 (VCO) 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 is costly, especially when compared to more effective responses including shelter care, crisis counseling, family support, and/or community and school based interventions. S. 678 requires States that still permit the use of the exception to phase-out use of the VCO within three years, and allows States in need to apply for one-year hardship extensions through the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Until VCO elimination, S. 678 provides extra safeguards for status offenders in locked facilities, including limits on how long status offenders may be detained. We would like to see the status offender provisions become stronger in terms of limiting length of stay in detention, ensuring that the status offenders are not subject to repeat detention orders and that hardship exception to the phase-out period are limited.

Overall juvenile justice system improvements:

- Improves conditions of confinement in juvenile facilities: S. 678 calls for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Administrator to report annually on State data regarding the uses of isolation and restraints in juvenile detention and corrections facilities, and encourages training of facility staff to eliminate dangerous practices. S. 678 also calls for States to develop policies and procedures to eliminate the use of dangerous practices and unreasonable use of restraints and isolation, through the use of alternative behavior management techniques.
- Provides comprehensive services and supports for youth: S. 678 promotes alternatives to detention, improves screening, diversion, assessment, and treatment for mental health and substance abuse needs, enhances child welfare and juvenile justice system integration, supports effective assistance of juvenile counsel, and improves case management and transitional services for youth upon re-entry. We would like to see further emphasis placed on provision of services to girls.

Support for states:

- Increases States' ability to comply with the core requirements: S. 678 offers additional technical assistance to States and authorizes Improvement Grants to infuse funds and technical assistance to States seeks to regain compliance with one or more of the core requirements.
- Creates incentive grants: S. 678 creates a new incentive grant program for States that wish to employ empirically-sound prevention and intervention approaches and improve their work in the areas of workforce development, and diversion for youth with mental health and substance abuse needs. We would like to see even greater emphasis on use of evidence-based or promising approaches.
- Restores and strengthens the role of OJJDP: S. 678 provides guidance about specific research, technical assistance, and training efforts to be conducted in a manner that benefits States and communities, nationwide. The bill also includes important provisions to improve program and financial oversight and accountability at OJJDP, and restores the statutory authority given to a national association of State Advisory Groups.

Funding levels:

- Sets more appropriate authorization levels for Title II and Title V: S. 678 provides States with the resources needed 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. We are very pleased to see that the Senate has cited authorization levels in the legislation.

Preserves and guards the community-connected prevention, youth development and rehabilitation emphases of the JJDPA:

- Keeps the focus on prevention and intervention: S. 678 does not introduce unnecessary and punitive approaches to delinquency prevention and intervention. As the bill moves through the Judiciary Committee and to the floor of the Senate, we trust that the Senate will do everything within their power to preserve the prevention focus of the JJDPA by guarding against any amendments that would link the JJDPA 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.

In light of the list above, we support this bill 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 across the country.

Sincerely,

Alabama

Alabama CURE
Alabama PTA
Alabama Youth Justice Coalition
Children First Foundation
Gateway
Mental Health Center of North Central Alabama
Southern Juvenile Defender Center
Southern Poverty Law Center
The Jefferson County Family Court
VOICES for Alabama's Children
YWCA of Central Alabama

Alaska

Alaska PTA
Booth Memorial Youth & Family Services

Arizona

Arizona Chapter of the American Academy of Pediatrics
Arizona Coalition to End Homelessness
Arizona Council of Human Service Providers
Arizona PTA
Catholic Community Services of Southern Arizona
Children's Action Alliance
Human Resource Training, Inc
La Paz County Probation Department
Our Family Services
The Arizona Correctional Educators, Inc.

Arkansas

AR-CURE
Arkansas PTA
Arkansas Voices for the Children left Behind, Inc
Disability Rights Center

California

Advocates 4 Family Caregivers
Books Not Bars
California State PTA
California YouthBuild Coalition
Center for Juvenile Law and Policy, Loyola Law School
Child, Family & Community Services, Inc.
National Center for Lesbian Rights
National Council of Jewish Women
Watts/Century Latino Organization
Women of B'nai Israel

Colorado

Colorado Juvenile Defender Coalition
Colorado PTA
Pendulum Foundation
The National Association of Council for Children (NACC)
The Partnership for Families & Children
Volunteers of America, Colorado Branch

Connecticut

AFCAMP - African Caribbean American Parents of Children with Disabilities
Center for Children's Advocacy
Collaborative Center for Youth Justice, Inc.
Connecticut PTA
Connecticut Voices for Children
Hartford Juvenile Justice Committee
National Council of Jewish Women
Together We Shine, Waterbury

District of Columbia

American Academy of Child and Adolescent Psychiatry
DC Lawyers for Youth
First Focus
Mentoring Today
National Collaboration for Youth
New Prospect Family Praise and Worship Center
Sasha Bruce Youthworks, Inc
U.S. Dream Academy, Inc.
United Methodist Church, General Board of Church and Society

Delaware

Big Brothers Big Sisters of Delaware
Community Action Partnership
Delaware PTA
Every Child Matters
Jewish Family Services of Delaware
Public Education Network
Stand Up for What's Right and Just (SURJ)
VOICES

Florida

Children's Campaign, Inc.
Children's Services Council Of Broward County
Ellen Bethel
Family Service Centers, Inc.
FedCURE
Florida Association of School Social Workers
Florida Juvenile Justice Association
Florida PTA
Pax Christi Northeast Florida
Public Defender's Office, 11th Judicial Circuit of Florida
YWCA of Tampa Bay

Georgia

African-American Juvenile Justice Project
Barton Child Law and Policy Clinic of Emory Law School
ChildKind
Georgia Coalition to End Homelessness
Georgia Parent Support Network, Georgia's Federation of Families for Children's Mental Health
Georgia PTA
Georgia Rural Urban Summit
JUSTGeorgia
Spirit of Oneness, Inc.
The Council for Children with Behavioral Disorders (CCBD)

Hawaii

Hawaii PTA

Idaho

Idaho Federation of Families for Children's Mental Health
Idaho PTA

Illinois

Chicago Metropolis 2020
Child Care Association of Illinois
Illinois CURE
Illinois PTA
Methodist Youth Services, Inc.
The Children and Family Justice Center, Bluhm Legal Clinic, Northwestern University Law School

Indiana

Indiana CURE
Indiana Juvenile Justice Task Force, Inc.
Indiana PTA
Indianapolis Jewish Community Relations Council
The Journey Programs, Indiana Courage to Lead

Iowa

Iowa Federation of Families for Children's Mental Health
Iowa PTA

Kansas

Kansas PTA

Kentucky

American Probation and Parole Association
Bellewood Presbyterian Home for Children
Central Juvenile Defender Center
Children's Law Center, Inc.
Community Coordinated Child Care (4-C), Louisville, KY
Gateway Children's Services
Home of the Innocents
Kentucky Protection & Advocacy
Kentucky PTA
Maryhurst
NECCO
The Children's Alliance

Louisiana

Family and Friends of Louisiana's Incarcerated Children
Family Service of Greater Baton Rouge
Juvenile Justice Project of Louisiana
Louisiana PTA

Maine

Circle of Hope A Specialty Ministry of MCC
Maine Children's Alliance
Maine Juvenile Justice Advisory Group
Maine PTA
New Beginnings

Maryland

Correctional Education Association (National)
Maryland Juvenile Justice Coalition
Maryland PTA
National Advocacy Center Sisters of the Good Sheppard
National Center for Children and Families
US Psychiatric Rehabilitation Association (USPRA)

Massachusetts

Citizens for Juvenile Justice
Family Service of Greater Boston
Juvenile Rights Advocacy Project at Boston College Law School
Massachusetts PTA
Trinity Boston Foundation
YouthBuild USA

Michigan

Association for Children's Mental Health (ACMH)
Detroit Jewish Labor Committee
Eagle Village, Inc.
Kalamazoo County Poverty Reduction Initiative
Michigan Association for Children with Emotional Disorders
Michigan Council on Crime and Delinquency
Michigan County Social Services Association
Michigan League for Human Services
Michigan PTA
Michigan's Children
National Council of Jewish Women, Greater Detroit Section

Minnesota

Lutheran Social Service of Minnesota
Minnesota Council of Child Caring Agencies
Minnesota State PTA
PACER Center, Inc.
Residents for Affordable Housing
The City, Inc.
Theresa Living Center and Caroline Family Services

Mississippi

Mississippi Families as Allies for Children's Mental Health, Inc.
Mississippi PTA
Mississippi Youth Justice Project
Parents United Together
Public Policy Center of Mississippi

Missouri

Institute for Peace & Justice
Missouri PTA

Montana

Disability Rights Montana
Jodi Leach NECAC
Montana Community Services, Inc.
Montana PTA
Yellowstone Boys and Girls Ranch

Nebraska

Nebraska PTA

Voices for Children in Nebraska

Nevada

Boys Town

Nevada PTA

The Embracing Project

New Hampshire

New Hampshire PTA

New Jersey

Camden DREAMS

Child and Family Services

Corporation for Supportive Housing

Greater Elizabeth Adolescent Partnership

Greater is He Ministries, Trenton

LifeTies, Inc.

Making It Possible to end Homelessness

National Council of Jewish Women, Union County Section

New Jersey Alliance for Children, Youth and Families

New Jersey Parents Caucus

New Jersey PTA

New Jersey State Public Affairs

Office of Jail and Prison Ministry, Diocese of Trenton

Parent Advocacy Network of NJ

Robins' Nest Inc.

The Bergen County Youth Services Commission

The Bridge, Inc.

New Mexico

PB&J Family Services, Inc.

New Mexico Council on Crime & Delinquency

NM CURE

New Mexico PTA

Ocean County Youth Services Commission

New York

Center for Community Alternatives
Correctional Association of New York
D.R.E.W Organization, Inc.
Empire State Coalition
Good Shepherd Services
LaSalle School
Learning Disabilities Association of Western New York
Legal Aid Society
New York PTA
Parsons Child and Family Center
Syracuse Salvation Army
Temple Shaaray Tefila
The YWCA Schenectady

North Carolina

Action for Children North Carolina
Alexander Youth Network
Beacon Project
Carolina Justice Policy Center
Children and Family Services Association-North Carolina
Guilford Education Alliance
North Carolina Cure
North Carolina PTA
Right Connection
St. Paul United Methodist Women
Youth Represent

North Dakota

The Brown Angel Center
North Dakota PTA

Ohio

Alliance of Child Caring Service Providers
Dave Thomas Foundation for Adoption
Delaware County Job and Family Services
Juvenile Justice Coalition (of Ohio)
Montgomery County, Ohio, Public Defender's Office
National Youth Advocate Program
Ohio PTA
Public Children Services Association of Ohio
Sisters of St. Francis
The Ohio Council of Behavioral Health & Family Services Providers
Voices for Ohio's Children

Oklahoma

Oklahoma PTA

Oregon

Oregon Coalition of Advocates for Equal Access for Girls

Oregon PTA

Partnership for Safety and Justice

The Human Services Coalition of Oregon

Pennsylvania

American Association of Children's Residential Centers

American Friends Service Committee

Congreso de Latinos Unidos

Erie Tenant Council

Family and Youth Division of the Mental Health Association of SEPA

Juvenile Law Center

KidsPeace

Maternity Care Coalition

National Association of Social Workers, Pennsylvania Chapter

National Council of Jewish Women - PA

Pennsylvania Council of Churches

Pennsylvania Latino Juvenile Justice Network Project Manager

Pennsylvania PTA

Sisters of St. Joseph

The Mental Health Association

United Way of Beaver County

Rhode Island

National Association of Social Workers, Rhode Island Chapter

Rhode Island KIDS COUNT

Rhode Island PTA

South Carolina

South Carolina PTA

South Dakota

South Dakota PTA

Tennessee

Rescare, Magnolia Academy

Tennessee Commission on Children and Youth

Tennessee PTA

Therapeutic Interventions, Inc.

Youth Dimensions Inc.

Texas

Alamo Children's Advocacy Center
Children at Risk
Developmental Learning Center, Inc
Fifth Ward Enrichment Program, Inc.
Friendly House
Gray Panthers
Houston Federation of Families for Children's Mental Health
La Fe Policy Research and Education Center
Tarrant County Juvenile Services
Tejano Center for Community Concerns
Texans Care for Children
Texas Coalition Advocating Justice For Juveniles
Texas Network of Youth Services
Texas PTA

Utah

Learning for Life
Utah PTA

Vermont

Burlington Boys & Girls Club
Mary Johnson Children's Center
Prevent Child Abuse Vermont
Spectrum Youth and Family Services
Vermont Center for Crime Victims Services
Vermont Protection and Advocacy
Vermont PTA
Voices for Vermont's Children
Washington County Youth Service Bureau/Boys and Girls Club

Virginia

ACLU of Virginia
Divine Covering Ministries
Ethan Cooper, CSOTP, LPC
Families & Allies of Virginia's Youth
Henrico County NAACP Youth Council
JustChildren
Mid-Atlantic Juvenile Defender Center
Project Community
The Law Center for Children of Legal Services of Northern Virginia
Virginia Association of Visiting Teachers/School Social Workers
Virginia C.U.R.E.
Virginia Coalition for Juvenile Justice
Virginia Interfaith Center for Public Policy
Virginia Juvenile Justice Association
Virginia Poverty Law Center
Virginia PTA

Y-CAPP, Youth - Challenged, Advised and Positively Promoted

Washington

Columbia Legal Services (on behalf of clients)
Partners with Families and Children: Spokane
Prison Legal News
Triumph Treatment services
Washington PTA

West Virginia

West Virginia PTA
West Virginia Public Defender Services

Wisconsin

Alliance for Children and Families
Congregation Shalom Sisterhood
HIVictorious, Inc.
St. Matthew's Parish, Justice & Human Concerns Committee
St. Rose Youth & Family Center, Inc.
Wisconsin Association of Family and Children's Agencies
Wisconsin Association for Runaway and Homeless Youth
Wisconsin Council on Children and Families
Wisconsin PTA
Urban Underground

Wyoming

Greater Wyoming Big Brothers Big Sisters
UPLIFT, Wyoming's Federation of Families for Children's Mental Health
Wyoming PTA