

ACT 4

JUVENILE JUSTICE

A CAMPAIGN OF THE JUVENILE JUSTICE & DELINQUENCY PREVENTION COALITION

—the collective voice of more than 150 organizations nationwide—

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JJDPA Statement of Principles

We, the undersigned, urge the Congress to adhere to the following four principles in approaching the Reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP A). These principles are grounded in research and their efficacy underscored by the fact that the JJDP A has for more than 30 years provided direction and support for juvenile justice system improvement and, thereby, significantly contributed to the diminution of juvenile crime and delinquency.

I. **Keep children and youth out of the justice system:** Whenever possible, keep children and youth out of the juvenile and criminal justice systems by addressing their needs and those of their families early and effectively.

II. **Ensure equity and competence:** Do everything possible to ensure equity and competence with regard to race, ethnicity, culture, language, gender and sexual orientation, in legal representation before the courts and throughout all system practices and policies.

III. **Ensure responses appropriate to a young person's age and stage of development:** Do everything possible to ensure that children and youth in the justice system are treated in an age-appropriate manner and provided with developmentally appropriate, evidenced-based services and supports. Ensure, when needed, that sanctions are appropriate to a youth's age and offense.

IV. **Strengthen the federal partnership with state and local governments:** Strengthen the federal role in supporting state and local needs by providing sufficient resources and appropriations for jurisdictions to effectively implement the JJDP A, to fully comply with its core requirements/protections and to ensure state and local adherence to high standards of performance.

What is the JJDPA?

Why care?

Each year, juvenile courts handle an estimated 1.6 million delinquency cases and adjudicate youth delinquent in nearly 7 of every 10 petitioned cases. The daily census of youth under age 18 who are incarcerated is 97,000—yet, it is estimated that 25 percent of them are detained while awaiting placement or court proceedings. Many youth who are confined are nonviolent and highly amenable to the benefits of rehabilitative services and supports provided in non-institutional home and community based settings. Juveniles in the courts have been shown to suffer from higher than average incidence of mental/behavioral health problems, learning disabilities and school failure, as well as under-addressed family intervention and support needs. Moreover, for more than two decades, state-level data have shown that youth of color have been overrepresented at every stage of the juvenile justice system.

Additionally, some researchers estimate as many as 200,000 youth have their cases processed in adult criminal court each year as a result of prosecutorial or judicial waiver, statutory exclusion for certain offense categories, or because they reside in states with a lower age of criminal jurisdiction (age 16 or 17). On any given day, an estimated 7,000 youth under the age of 18 are inmates in adult jails, of these 90% are being held “as adults.” Youth who are not under the jurisdiction of the juvenile court are not covered by the JJDPA’s core requirements/protections.

Right now, juvenile arrest rates are at historically low rates—lower than any levels recorded since the 1980s. Nationwide, law enforcement agencies arrest approximately 2.2 million persons under the age of 18 each year, yet in nearly half of all cases the most serious charges are larceny-theft, simple assault, a drug abuse/liquor law violation or disorderly conduct. Furthermore, research indicates that youth of color are detained more often and for longer periods of time than their white counterparts for the same low level offenses.

The continuing success of effective juvenile crime prevention and deterrence depends on Congress strengthening both the provisions of the JJDPA, as well as the funding resources needed to fulfill such provisions to the greatest possible extent.

How could adherence to these principles guide JJDPA reauthorization?

I. Keep children and youth out of the justice system: Whenever possible, keep children and youth out of the juvenile and criminal justice systems by addressing their needs and those of their families early and effectively.

- **Continuum of Care:** Support an array of prevention and intervention strategies for children and families in collaboration with providers of educational, medical, mental/behavioral health, after school, workforce development services, and others, utilizing theory- and evidenced-based practices.
- **Detention Alternatives:** Develop and sustain community- and family-based alternatives to locked detention, both pre- and post-adjudication.
- **Effective Re-entry and Re-connection:** Help young people leave the system, return home and stay home. Provide for effective reconnection to schools, families, community-based family support and/or counseling, jobs, and housing, upon release from confinement.

II. Ensure equity and competence: Do everything possible to ensure equity and competence with regard to race, ethnicity, culture, language, gender and sexual orientation, in legal representation before the courts and throughout all system practices and policies.

- **Reduce Racial and Ethnic Disparities:** Given disproportionately high representation of youth of color in the justice system, it is imperative to direct major federal resources to states/localities to implement system-change strategies designed to reduce racial and ethnic disparities. In turn, states/localities should report their progress in reducing racial/ethnic disparities, as well any forms of differential treatment of youth of color as compared with their white counterparts, at all stages from surveillance/arrest to re-entry.
- **Cultural and Linguistic Competence:** At all system contact points, services and supports given to children, youth and families, as well as institutional conditions, must be linguistically and culturally competent.
- **Due Process Rights:** The promise of due process rights for juveniles remains largely unfulfilled. Jurisdictions should ensure that youth have timely access to competent and qualified defense counsel and are required to consult with counsel prior to waiving their constitutional right to such counsel.
- **Ensure Safety:** All populations of youth, especially those who have proven susceptible to harm such as girls, lesbian, gay, bisexual and transgender youth, and children with serious mental/behavioral health concerns, must be safe when in the care or custody of the justice system.

III. Ensure responses appropriate to a young person's age and stage of development: Do everything possible to ensure that children and youth in the justice system are treated in an age-appropriate manner and provided with developmentally appropriate, evidenced-based services and supports. Ensure, when needed, that sanctions are appropriate to a youth's age and offense.

- **Incentives:** Provide incentives to state and local jurisdictions to develop and implement developmentally-appropriate services and supports for children and families that emphasize limited system contact and research-driven approaches to youth development.
- **Normal Adolescent Behavior vs. Delinquency:** Guard against juvenile and criminal justice system responses that are unduly punitive, criminalize normal adolescent behavior or assume that youth competence and culpability equals that of adults.
- **Restorative Justice:** In response to offending, implement policies, programs and practices that seek to restore the victim and the community and hold the youth offender accountable.
- **Take Steps to Extend Federal Protections to All Youth Until Age 18 or Older:** Provide incentives for states to take necessary steps to ensure that the four JJDP Core Requirements/Protections are applied as faithfully as possible to all youth until the age of 18, or to youth older than age 18 who are under extended juvenile jurisdiction, whether they have been tried in the juvenile or criminal court.

IV. Strengthen the federal partnership with state and local governments: Strengthen the federal role in supporting state and local needs by providing sufficient resources and appropriations for jurisdictions to effectively implement the JJDP, to fully comply with its core requirements/protections and to ensure state and local adherence to high standards of performance.

- **Optimal Funding:** Ensure that funding authorizations in the JJDP are provided at optimally effective levels to fulfill the all of the mandates of the JJDP, as well as those contained in related juvenile justice programs, such as the Juvenile Accountability Block Grant (JABG) program.
- **Grants for State/Local Needs:** Ensure that the federal role under the JJDP is responsive to state-identified/locally-identified needs and the State Plan process, including field-based and field-strengthening research and evaluation to refine and expand the array of best and evidenced-based practices.
- **Performance Measures:** Establish and support states and localities to set, implement and monitor performance measures for achieving the highest possible standards for safe, effective and competence-building systems, programs, policies and practices. Provide resources to support training, technical assistance and information dissemination in line with state needs.

We, the undersigned organizations and leaders, seek the support of Congress to see the aforementioned principles are assured in the Reauthorization of the federal Juvenile Justice and Delinquency Prevention Act (JJDP):

NATIONAL ORGANIZATIONS:

Academy of Criminal Justice Sciences, Policy Section
American Correctional Association
American Probation and Parole Association
American Psychiatric Association
Asian Law Caucus
Asian Pacific American Legal Center (APALC)
ATTIC Correctional Services
Bazelon Center for Mental Health Law
Camp Fire USA
Campaign for Youth Justice
Center for Children's Law and Policy
Child Welfare League of America
Children's Defense Fund
Coalition for Juvenile Justice
Correctional Education Association
Council of Juvenile Correctional Administrators
Covenant House
Federation of Families for Children's Mental Health
International CURE
Generations United
Girls Inc.
Justice Policy Institute
Juvenile Law Center
Legal Action Center
Mental Health America
Muslim Public Affairs Council
National Alliance for Faith and Justice

National Alliance to End Homelessness
National Association of Counties
National Association of Criminal Defense Lawyers
National Association of Home Builders
National Center for Youth Law
National Collaboration for Youth
National Community Education Association
National Council of La Raza
National H.I.R.E. Network
National Human Services Assembly
National Juvenile Defender Center
National Juvenile Justice Network
National Network for Youth
National Parent-Teacher Association
National Partnership for Juvenile Services
National Recreation and Park Association
National Urban League Policy Institute
National Youth Advocate Program
Penal Reform International
Physicians for Human Rights
Residential Care Consortium
Southern Poverty Law Center
The National Center for Lesbian Rights
The Sentencing Project
Unitarian Universalist Association of Congregations
United Church of Christ, Justice and Policy Ministries
United Methodist Church, General Board of Church and Society
Voices for America's Children
W. Haywood Burns Institute
YMCA of the USA
Youth Law Center

STATE AND LOCAL ORGANIZATIONS:

Alabama:

Alabama Disabilities Advocacy Program
Alabama Youth Justice Coalition
Children First Foundation
Legal Aid Society of Birmingham
Prodigal Child Project
Southern Juvenile Defender Center
The Ordinary People Society

Alaska:

Gastineau Human Services Corporation

Arizona:

Children's Action Alliance
Friendly House, Inc.

California:

Asian and Pacific Islander Youth Advocacy Network (AYAN)

California State Juvenile Officers' Association
Center for Juvenile Law and Policy, Loyola Law School
Los Angeles Leadership Academy
Mothers for Peace
Pacific Juvenile Defender Center
Para Los Niños
Watts/Century Latino Organization
Youth Justice Coalition/Free L.A.

Colorado:
Pendulum Foundation

Connecticut:
Center for Children's Advocacy, University of Connecticut School of Law
Connecticut Juvenile Justice Alliance
Office of the Child Advocate, State of Connecticut

Delaware:
Delaware Center for Justice
Delaware Collaboration for Youth

District of Columbia:
Justice 4 DC Youth! Coalition
Latin American Youth Center

Florida:
Children's Campaign, Inc.
Florida Keys Children's Shelter, Inc.
Latino Leadership Inc.
Law Offices of Public Defender Bennett H. Brummer, 11th Judicial Circuit
Redlands Christian Migrant Association

Illinois:
Child Care Association of Illinois
Illinois Collaboration on Youth
Illinois Parent Teacher Association
John Howard Association of Illinois
Juvenile Justice Initiative
Law Office of the Cook County Public Defender
Youth Network Council

Indiana:
Indiana Juvenile Justice Task Force, Inc.
Leadership & Renewal Outfitters

Louisiana:
Families and Friends of Louisiana's Incarcerated Children (FFLIC)
Juvenile Justice Project of Louisiana

Maryland:
Maryland Juvenile Justice Coalition

Massachusetts:
Citizens for Juvenile Justice
Criminal Justice Institute, Harvard Law School

Michigan:
Michigan Council on Crime and Delinquency

Mississippi:
Mississippi Youth Justice Project

Missouri:
Missouri Juvenile Justice Association
Youth In Need

Nebraska:
Voices for Children in Nebraska

Nevada:
East Las Vegas Community Development Corporation

New Hampshire:
Child and Family Services of New Hampshire

New Jersey:
Northeast Juvenile Defender Center

New Mexico:
Hands Across Cultures
New Mexico Children, Youth and Families Department-State Juvenile Justice Advisory Group
New Mexico Council on Crime and Delinquency

New York:
New York Juvenile Justice Coalition
Goodhope Youth Home, Inc.
Center for Community Alternatives
Youth Represent

North Carolina:
Action for Children North Carolina

North Dakota:
Lutheran Social Services of North Dakota

Ohio:
Alliance of Child Caring Service Providers
Children's Defense Fund of Ohio
Juvenile Justice Coalition (Ohio)
Law Office of the Montgomery County, Ohio Public Defender
North East Ohio Health Services
Voices for Ohio's Children Juvenile Justice Initiative

Oregon:
Partnership for Safety and Justice
Salem/Keizer Coalition for Equality

Pennsylvania:
Community Commitment Inc.
Congreso de Latinos Unidos
Juvenile Detention Centers' Association of PA

South Dakota:
Parents Who Care Coalition

Tennessee:
Latino Memphis, Inc.
Tennessee Commission on Children and Youth (TCCY)—State Juvenile Justice Advisory Group

Texas:
Southwest Key Program
Tejano Center for Community Concerns
Texas Coalition Advocating Justice for Juveniles

Utah:
Utah Commission on Criminal Justice and Juvenile Justice-State Juvenile Justice Advisory Group

Vermont:
South Royalton Legal Clinic at Vermont Law School

Virginia:
Citizens United for Rehabilitation of Errants-Virginia, Inc.
JustChildren Program of the Legal Aid Justice Center
Mid-Atlantic Juvenile Defender Center, University of Richmond Law School
Virginia Coalition for Juvenile Justice

Washington:
TeamChild
Washington Defender Association

Wisconsin:
Counseling Center of Milwaukee, Inc.
La Casa de Esperanza, Inc.
La Causa
Wisconsin Council on Children and Families

-- as of 05-04-2007

Data sources: Snyder, Howard N. and Sickmund, Melissa. 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. www.ncjj.org; Coalition for Juvenile Justice, 2005. *Childhood on Trial: The Failure of Trying and Sentencing Youth in Adult Criminal Court*, Washington, DC. www.juvjustice.org