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November 18, 2009

The Honorable Patrick J. Leahy, Chairman
Committee on the Judiciary
United States Senate
433 Russell Senate Office Building
Washington, D.C. 20510

Re: In Strong Support of S. 678

Dear Chairman Leahy:

On behalf of the Coalition for Juvenile Justice (CJJ), we write to express our strong support for S. 678, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009, as introduced.

For almost 35 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. With the introduction of S. 678, we thank you and your colleagues, Senators Arlen Specter, Herbert Kohl and Richard Durbin, for demonstrating strong and consistent leadership. We are also pleased that the reauthorization bill once again has the support of Senators Susan Collins and Olympia Snowe.

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 SAGs, including forty-eight (48) 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, in 2008 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 sets forth recommendations on JJDP Act Reauthorization written as guidance to members of Congress. We are pleased to note that our recommendations are reflected in S. 678, either in whole or in significant part. We invite you to view the Platform in its entirety at http://www.juvjustice.org/reauthorization_platform.html.

More recently, CJJ's National Chair and Vice-Chair authored an opinion-editorial that was published in *Roll Call* as part of its "The Mission Ahead" series and calls for a strengthened and better resourced JJDP Act and Office of Juvenile Justice and Delinquency Prevention. A copy of the article is attached for your review.

CJJ specifically applauds the progress represented by the following amendments to the JJDP Act proposed in S. 678:

S. 678 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. 678 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. 678 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. 678 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. 678 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: In keeping with Plank VII of the CJJ Platform, S. 678 calls for a phasing out of the Valid Court Order (VCO) exception over a period of three years, and moves States toward achieving the original purpose of the DSO core requirement. During the phase-out period, S. 678 also 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. 678 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. 678 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. 678 advances overall juvenile justice system improvements:

- Provides comprehensive services and supports for youth: In keeping with Plank XI of the CJJ Platform, S. 678 promotes alternatives to detention; incentivizes evidence-based and promising approaches in mental health and substance abuse screening, assessment and treatment including diversion to home- and community based services, while also encouraging safe and effective treatment for youth in confinement; enhances child welfare and juvenile justice integration; and improves case management and transitional care for youth upon re-entry.
- 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. 678, 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. 678 preserves and guards the community-connected prevention, youth development and rehabilitation emphases of the JJDPA:

- Keeps the focus on prevention and intervention: In keeping with Plank XIII of the CJJ Platform, S. 678 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 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.

Almost 35 years after its enactment, the JJDPA 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 JJDPA, and providing the leadership and financial resources needed to fulfill such provisions to the greatest possible extent. In that frame, S. 678 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 JJDPA that are made in S. 678, as introduced. We are proud to stand with you to ensure a strong and forward thinking Reauthorization of the JJDPA.

On behalf of the CJJ Council of State Advisory Groups (SAGs), we respectfully submit this letter of support for Senate Bill 678, "The Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009."



David Schmidt, CJJ National Chair, 2009-2011



Nancy Gannon Hornberger, CJJ Executive Director

Cc: The Honorable Jeff Sessions (R-AL)
The Honorable Herbert H. Kohl (D-WI)
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 Amy Klobuchar (D-MN)
The Honorable Edward E. Kaufman (D-DE)
The Honorable Arlen Specter (D-PA)
The Honorable Al Franken (D-MN)
The Honorable Orrin G. Hatch (R-UT)
The Honorable Charles E. Grassley (R-IA)
The Honorable Jon L. Kyl (R-AZ)
The Honorable Lindsey O. Graham (R-SC)
The Honorable John Cornyn (R-TX)
The Honorable Tom A. Coburn (R-OK)