



September 14, 2016

The Honorable John Kline
Chairman
Education & Workforce Committee
United States House of Representatives
Washington, DC 20515

The Honorable Bobby Scott
Ranking Member
Education & Workforce Committee
United States House of Representatives
Washington, DC 20515

The Honorable Carlos Curbelo
Member, Education & Workforce Committee
United States House of Representatives
Washington, DC 20515

The Honorable Frederica Wilson
Member, Education & Workforce Committee
United States House of Representatives
Washington, DC 20515

The Honorable Buddy Carter
Member, Education & Workforce Committee
United States House of Representatives
Washington, DC 20515

The Honorable Susan Davis
Member, Education & Workforce Committee
United States House of Representatives
Washington, DC 20515

Dear Chairman Kline, Ranking Member Scott, Mr. Curbelo, Ms. Wilson, Mr. Carter and Ms. Davis:

On behalf of the ACT4JJ Campaign, which represents more than 150 national, state, and local organizations and hundreds of thousands of constituents, we want to thank you for your leadership in introducing H.R. 5963, the Supporting Youth Opportunity and Preventing Delinquency Act of 2016. The bill strengthens and updates the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA), which provides States and localities with federal standards and supports for improving juvenile justice and delinquency prevention practices and has contributed to safeguards for youth, families and communities for more than 40 years. We are grateful you have taken this important step and encourage you to move the bill to passage before the close of the 114th Congress.

Signed into law by President Gerald Ford on September 7, 1974, and most recently reauthorized in 2002, the JJDPA embodies a partnership between the federal government and the U.S. states, territories and the District of Columbia to protect children and youth in the juvenile and criminal justice system, to effectively address high-risk and delinquent behavior and to improve community safety. More than eight years overdue for reauthorization, the JJDPA is the only federal statute that sets out national standards for the custody and care of youth in the juvenile justice system and provides direction and support for state juvenile justice system improvements.

Similar to S. 1169, bipartisan legislation to reauthorize the JJDP Act introduced in the U.S. Senate last year, H.R. 5963 would build upon these national standards in several key ways including:

- **Strengthening the Deinstitutionalization of Status Offenders (DSO) core protection**
While current federal law prohibits detaining youth for status offenses (like truancy and running away from home), youth can be ordered by a court not to do these things as a condition of release through a court order. Youth who do not follow these instructions are often subsequently detained for technical violations of such a valid court order (VCO). Many states have already prohibited use of this exception to detain youth – known as the VCO exception – in light of research that shows it is harmful to their development and is costly, especially when compared to community-based alternatives. The bill requires states to phase-out the use of the VCO exception by 2020, and allows States in need to apply for one-year hardship extensions, which can be approved or denied by the Administrator of OJJDP. Though we prefer the Senate’s approach to the phase out, which does not include an annual hardship exception, the House bill is an improvement over current law that sends a clear message to states and will help keep greater numbers of youth from being unnecessarily detained.
- **Improving 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. Like its Senate companion, H.R. 5963 extends the jail removal and sight and sound core protections 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.
- **Supporting State Efforts to Reduce Racial and Ethnic Disparities**
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. The bill gives clear direction to States and localities to plan and implement data-driven approaches to ensure fairness and reduce racial and ethnic disparities, to set measurable objectives for reduction of disparities in the system, and to publicly report such efforts.

Premised on research-based understandings of juvenile justice and delinquency prevention, H.R. 5963 reaffirms a national commitment to the rehabilitative purpose of the juvenile justice system; one that supports developmentally appropriate practices that treat as many youth as possible in their communities. In particular we applaud provisions in the bill that:

- Encourage States to eliminate dangerous practices in confinement and to promote adoption of best practices and standards, including eliminating the use of restraints on pregnant girls;
- Recognize the impact of exposure to violence and trauma on adolescent behavior and development;
- Promote prevention and a comprehensive continuum of care through youth opportunity incentive grants;
- Increase family engagement in design and delivery of treatment and services;
- Allow for easier transfer of education credits for system-involved youth;
- Focus on the particular needs of special youth population such as trafficked youth and Tribal youth; and

- Promote fairness by supporting State efforts to expand youth access to counsel and encouraging programs that inform youth of opportunities to seal or expunge juvenile records once they have gotten their lives back on track.

Finally, the bill, like its Senate counterpart, encourages transparency, timeliness, public notice, and communication on the part of the Office of Juvenile Justice and Delinquency Prevention, its agents, and the States. And, H.R. 5963 increases accountability to ensure effective use of resources, to provide greater oversight of grant programs, and to ensure state compliance with federal standards.

Despite a continuing decline in youth crime and delinquency, more than 50,000 young people are held in detention centers awaiting trial or confined by the courts in juvenile facilities in the U.S. For these confined youth, and the many more kids at-risk of involvement in the justice system, the JJDP and programs it supports are critical. Youth who are locked up are separated from their families, and many witness violence. These youth struggle when they get out, trying to complete high school, get jobs, housing, or go to college. Aside from the human toll, the financial costs of maintaining large secure facilities have also made it vital to rethink juvenile justice in every community.

We support the H.R. 5963 as a long-overdue and significant improvement over current law and look forward to continuing to work with you and your colleagues to ensure its final passage this year.

Sincerely,

ACLU

Afterschool Alliance

Alliance for Strong Families and Communities

American Academy of Pediatrics

Bethel AME Church, NJ

Boys Town

Campaign for the Fair Sentencing of Youth

Campaign for Youth Justice

Center for Children's Law and Policy

Child Welfare League of America

Citizens for Juvenile Justice, MA

Coalition for Juvenile Justice

Connecticut Juvenile Justice Alliance

The Forum for Youth Investment

Girls Inc.

Hope Matters

Justice 4 Families

Justice Policy Institute

Kentucky Youth Advocates

NAACP

National Crittenton Foundation

National Juvenile Defender Center

National Juvenile Justice Network
National Network for Youth
National PTA
New Jersey Parent Caucus
PACE Center for Girls, FL
Rights 4 Girls
Robert F. Kennedy Juvenile Justice Collaborative
Robert F. Kennedy Children's Action Corps
Robert F. Kennedy Children's Action Corps National Resource Center for Juvenile Justice
Schubert Center for Child Studies, Ohio
The Sentencing Project
Spark Action
Vermonters for Criminal Justice Reform
Voices for Children in Nebraska
W. Haywood Burns Institute
YMCA OF THE USA
Youth Advocates Program, Inc.
Youth Villages