



National Council on Crime and Delinquency
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The Honorable Patrick Leahy
Chair, US Senate Committee on the Judiciary
Washington, DC 20515
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Dear Senator Leahy:

We are writing to you regarding the reauthorization of the Juvenile Justice and Delinquency Prevent Act (JJDP A). The National Council on Crime and Delinquency (NCCD) supports this reauthorization, and urges renewed commitment and strengthening of its programs and core protections.

NCCD is located in Oakland, CA, and is one of the nation's oldest and most respected criminal and juvenile justice research organizations. We celebrated our Centennial in 2006, and for over one hundred years we have been promoting fair, effective, humane, and economically sound solutions to justice problems. We support effective alternatives to incarceration towards that end, especially for juveniles.

The protections in the JJDP A must not only be continued, but strengthened on the basis of what we have learned in the years since its inception in 1974.

The following are the specific areas that need attention:

- **Deinstitutionalization of Status Offenders (DSO)**
Incarceration of youth should only be used as a last resort. Family and community solutions to youth truancy, running away, and other status offenses offer the best chance for youth to have their needs addressed. **The “valid court order” clause has weakened this protection for status offenders and should be eliminated.**
- **Adult Jail and Lockup Removal**
The jail removal provisions of the original JJDP A have “relaxed” due to the political pressure of appearing “tough on crime.” The continued broadening of exemptions that allow youth to be tried as adults have resulted in high numbers of youth housed with adults, in adult institutions. These adult institutions are sorely incapable of providing basic programming, education, health services, treatment, etc. **We support the protection of removing all youth from all adult facilities.**

- **Sight and Sound Separation**
Sight and sound provisions of the original JJDP Act have likewise been weakened, leading to the still unacceptable practice of housing juveniles with adults, regardless of thin attempts at compliance. **We are in agreement with other advocates that juveniles should never be housed with adults.**
- **Disproportionate Minority Confinement**
Across the nation, youth of color are more likely by far to be arrested, detained, referred to adult court, placed out of home, and sentenced as adults. This disproportion grows as youth become more deeply involved in the system (*And Justice for Some*, NCCD, Jan. 2007). **We urge Congress to require states to take action to reduce DMC.**
- **Conditions of Confinement**
In a wealthy nation that prides itself on its system of justice and general freedoms, and enlightened, there is no reason or excuse that anyone, let alone impressionable juveniles, should be subjected to abusive practices or degrading conditions. Restraint chairs, pepper spray, cages should be used with extreme caution if at all. Proper training of staff and continual monitoring is essential to protect youth in custody from harm. **We urge Congress to require adherence to best practices and humane standards in handling youth in detention.**
- **Definition of Adult Inmate**
For the reasons mentioned above under the “adult jail and lock-up removal” and “sight and sound” sections, several states—including California—allow juveniles who are convicted in adult court to serve their sentence in juvenile facilities until they reach the age of majority. However, guidance issued in the past several years by OJJDP would require states to separate youth prosecuted as adults from other youth in juvenile facilities. This change penalizes states who take more appropriate and humane approaches to placing youth within the criminal justice system. **We urge Congress to modify the definition of the term “adult inmate” to continue to give states, including California, the option of holding youth with other youth, instead of adults.**

NCCD supports the Act 4 Juvenile Justice Campaign’s “Statement of Principles” signed by over 300 organizations nationwide and hopes its principles will be included in the final legislation.

You have our sincere appreciation for your attention to these important matters. Please feel free to contact us with questions or for further comment.

Sincerely,



Barry Krisberg, PhD
President
National Council on Crime and Delinquency