Dear Chairman Grassley and Ranking Member Leahy:

We understand that the Committee will soon consider legislation to address juvenile crime prevention. I write on behalf of the American Bar Association (ABA) to express our strong support for S. 1169, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015.

We commend Chairman Grassley and Senator Sheldon Whitehouse for their leadership in introducing S. 1169. This strongly bipartisan bill will strengthen and update the Juvenile Justice and Delinquency Prevention Act (JJDPA), which has provided states and localities with federal standards and support for improving juvenile justice and delinquency prevention practices and contributed to safeguards for youth, families, and communities for more than 40 years.

While juvenile crime rates in the United States are stable and at low levels, youth in America—including youth charged with noncriminal misbehavior—are processed in the criminal justice system, detained and imprisoned at much higher rates than in other comparable nations. More than 60,000 young people are held in detention centers awaiting trial or confined by the courts in juvenile facilities in the U.S. on an average day, and youth of color are significantly over-represented at all stages of the juvenile justice system.

For these confined youth, and the many more kids at risk of involvement in the justice system, the JJDPA and programs it supports are critical. Detained youth are separated from their families, and many witness violence. When they get out, they struggle trying to complete high school, obtain jobs and 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 believe that S. 1169 proposes “smart-on-crime” reforms that will reduce reliance on jail and detention, reduce public costs, and protect public safety.

Premised on research-based understandings of juvenile justice and delinquency prevention, S. 1169 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. It advances important improvements to the JJDPA, its core requirements and
its central purposes, provides enhanced safeguards for youth in the system, increases community safety, and ensures progress toward racial fairness.

Since the last JJDPA reauthorization was approved in 2002, there have been many developments in the field of juvenile justice that significantly impact the field. S. 1169 recognizes and addresses many of these developments in several key ways. Specifically, we are pleased that the bill

1. Strengthens the Deinstitutionalization of Status Offenders (DSO) core requirement by calling on states to phase-out use of the Valid Court Order Exception that currently causes non-offending youth/status offenders to be jailed or securely confined.

2. Extends the adult Jail Removal and Sight and Sound Separation core requirements to apply to all juveniles held pretrial, whether they are to be charged in juvenile or adult court.

3. Gives states and localities clear direction 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.

4. Encourages investment in community-based alternatives to detention; encourages family engagement in design and delivery of treatment and services; improves screening, diversion, assessment, and treatment for mental health and substance abuse needs; allows for easier transfer of education credits for system-involved youth; and calls for a focus on the particular needs of girls either in the system or at risk of entering the justice system.

5. Promotes 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.

6. Encourages transparency, timeliness, public notice, and communication on the part of OJJDP.

7. Increases accountability to ensure effective use of resources, to provide greater oversight of grant programs, and to ensure state compliance with federal standards.

We urge Committee members to promptly approve S. 1169 so that it may soon be considered by the full Senate and enacted into law in this Congress.

Sincerely,

William C. Hubbard

cc: Members of the Committee