

# National Juvenile Justice & Delinquency Prevention Coalition

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February 25, 2009

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Eric Holder  
United States Attorney General  
Office of Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear President Obama and Attorney General Holder:

On behalf of the National Juvenile Justice and Delinquency Prevention Coalition (NJJDP Coalition), we write to share our priorities on juvenile justice issues for your Administration and to invite you to work with us to advance these recommendations.

The NJJDP Coalition represents more than 80 national organizations working on youth development, juvenile justice and delinquency prevention. The Coalition includes a broad range of groups, including faith-based groups, education organizations and prevention-oriented law enforcement organizations.

Below please find the top goals and priorities of the NJJDP Coalition we would like to advance with the Administration's support and assistance. These priorities are divided into two categories: General Administrative Priorities - actions the Administration should take with regard to juvenile justice issues generally - and Substantive Priorities - substantive areas which the Administration should prioritize within juvenile justice.

## Administrative/Procedural Priorities

1. Appoint an experienced and competent Office of Juvenile Justice and Delinquency Prevention (OJJDP) Administrator;
2. Restore OJJDP's full capacity (e.g., restore its research and training/technical assistance functions); and
3. Update the regulations for the Juvenile Justice and Delinquency Prevention Act (JJDP Act).

Substantive Priorities:

1. Advance policies and practices that keep youth out of the adult criminal justice system and instead promote age-appropriate responses;
2. Advance policies and practices that are proven-effective or empirically-supported and that support the deinstitutionalization of youth who come into contact with the juvenile justice system, including diverting youth to programs and agencies outside of the juvenile justice system and strengthening community-based alternatives for youth in the juvenile justice system;
3. Advance policies and practices that reduce unjust racial and ethnic disparities at all points in the juvenile justice system;
4. Restore federal appropriations for juvenile justice and delinquency prevention; and
5. Ensure federal interagency collaboration to meet the behavioral health needs of youth who come into contact with the juvenile justice system, including mental health and substance abuse programming.

More detailed information on each of the priorities is included below. If you have any questions or would like more information on these or other recommendations relating to juvenile justice and delinquency prevention, please do not hesitate to contact Tara Andrews or Erin Davies - the current NJJDP Coalition Co-Chairs - using the contact information below.

Thank you in advance for your attention to these matters and we look forward to working closely with you.

Sincerely,



Tara Andrews  
Co-Chair - NJJDP Coalition  
Coalition for Juvenile Justice  
Phone: (202) 467-0864 x109  
E-mail: [andrews@juvjustice.org](mailto:andrews@juvjustice.org)



Erin Davies  
Co-Chair - NJJDP Coalition  
Campaign for Youth Justice  
Phone: (202) 558-3580  
E-mail: [edavies@cfyj.org](mailto:edavies@cfyj.org)

CC:

Laurie Robinson, Acting Assistant Attorney General of Office of Justice Programs  
Jeff Slowikowski, Acting Administrator of the Office of Juvenile Justice and Delinquency Prevention

## **General Administrative Priorities**

### **1. Appoint an experienced and competent Office of Juvenile Justice and Delinquency Prevention (OJJDP) Administrator.**

The Administration must appoint a strong OJJDP Administrator as soon as possible. The Coalition recommends that any Administration appointee to head OJJDP have the following attributes:

- Be a proven leader with experience coordinating large groups or agencies;
- Have significant experience, knowledge, and expertise in the juvenile justice field;
- Be willing to engage a wide range of juvenile justice stakeholders, including families of youth who are at-risk of or involved in the juvenile justice or adult criminal justice systems;
- Be willing to push a progressive juvenile justice agenda; and
- Be willing, able, and competent to make juvenile justice a priority for the Administration.

### **2. Restore OJJDP's full capacity (e.g., restore its research and training/technical assistance functions).**

*Background:* As the sole federal agency providing leadership in the juvenile justice arena, OJJDP must have the capacity to provide a full range of services, including conducting research and gathering data, identifying and disseminating best practices and relevant information, leading demonstration projects, providing training and technical assistance, and promoting the expansion of effective practices in the field. Unfortunately, in recent years, a significant decline in staff and funding has resulted in expertise being moved out of OJJDP to other agencies within the Office of Justice Programs (OJP). For example, much of the research previously conducted by OJJDP is now conducted by the Bureau of Justice Statistics or the National Institute of Justice. These changes have diluted the focus on juvenile justice issues at the U.S. Department of Justice, as these issues are now competing for research and expertise with a variety of other topics.

*Recommendations:*

- Restore the research, technical assistance, and other functions of OJJDP so that it operates as a stand-alone, independent agency within OJP;
- Increase the amount of research and convenings focused solely on juvenile justice through OJJDP to help strengthen the field across the country; and
- Shore up OJJDP's staff capacity to meet this new role, particularly with experts with experience on these issues and who are prepared to provide expertise.

### **3. Update the regulations for the Juvenile Justice and Delinquency Prevention Act (JJDP).**

*Background:* Since its original passage in 1975, the JJDP has been reauthorized several times, most recently in 2002. Through these reauthorizations, new sections - such as the disproportionate minority contact core requirement - have been added to the bill and other sections have changed drastically. However, the administrative regulations have not been updated accordingly to reflect these changes. For example, currently no regulations exist on the DMC core requirement. Instead, much of OJJDP policy has been made in executive memos that do not abide by federal rule-making standards.

#### *Recommendations:*

- End the practice of solely issuing policy memos or guidance and instead use the traditional federal rule-making standards, which include notice and a public comment period;
- In anticipation of passage of the JJDP reauthorization bill:
  - Conduct an assessment of the current JJDP regulations and identify areas that must be shored up or written; and
  - Work with the juvenile justice field and experts to advise on both where the regulations could be improved and the content of the regulations;
- Develop regulations on areas that have not been written or that have not been updated to reflect the most current version of the law, including the anticipated JJDP reauthorization bill; and
- Keep States involved and informed throughout the regulation updating process, such as by providing trainings.

### **Substantive Priorities**

#### **1. Advance policies and practices that keep youth out of the adult criminal justice system and instead promote age-appropriate responses.**

*Background:* The juvenile justice system was originally established to recognize and address the unique needs of youth in the criminal justice system. Unfortunately, in the 1990s, many States passed laws making it easier to prosecute youth in the adult criminal justice system. These laws were based on warnings by researchers of a coming generation of “super-predators,” which never materialized.

Currently, on any given day, 7,500 children are locked up in adult jails pre-trial and over 2,000 children are locked up in adult prisons. In addition, nearly 2,500 individuals in the U.S. are serving life without parole in the U.S. for crimes committed when they were under the age of 18; as of February 2008, to our knowledge, not a single youth was serving this sentence anywhere else in the world.

Research widely demonstrates that prosecuting youth as adults reduces public safety. Reports released by the Brookings Institution, the U.S. Centers for Disease Control and Prevention and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) have concluded that youth prosecuted in or transferred to the adult criminal justice system are much more likely to reoffend when compared to youth who committed similar crimes, but were retained in the juvenile justice system.

Prosecuting youth in the adult system has other negative effects. Youth housed in adult jails are at a high risk of physical and sexual abuse as well as suicide. Additionally, youth of color are disproportionately affected by the practice of prosecuting youth in the adult criminal justice system. For example, African-American youth are 62% of the youth prosecuted in the adult criminal system and are nine times more likely than white youth to receive an adult prison sentence.

Finally, prosecuting youth in the adult criminal justice system contradicts public opinion. National polling shows that a vast majority of Americans support rehabilitation and treatment as an effective response to juvenile delinquency and crime.

*Recommendations:*

- Actively oppose and veto any bill passed through Congress that allows more youth to be prosecuted in or transferred to State or federal adult courts;
- Launch a new Administration-driven initiative to raise awareness about the need for and value of removing youth from adult jails and prisons, including public service announcements and hosting forums across the nation;
- Identify and evaluate efforts by States to reduce the prosecution of youth in the adult system and identify and disseminate information on best practices through OJJDP;
- Ensure that data on the prosecution of youth in the adult system is collected regularly and made publicly available on the OJJDP website;
- Conduct research on the prosecution of youth in the adult system;
- Provide technical assistance and financial support to States to comply with the jail removal and sight and sound core requirements in the JJDPA; and
- Support strengthening the jail removal and sight and sound requirements in the JJDPA by supporting the Act4JJ Campaign's recommendation that these requirements be extended to youth charged in the adult criminal justice system. More information on this and other recommendations for JJDPA reauthorization can be found at [www.act4jj.org](http://www.act4jj.org).

**2. Advance policies and practices that promote the deinstitutionalization of youth, including diverting youth to programs and agencies outside of the juvenile justice system and strengthening community-based alternatives for youth in the juvenile justice system.**

*Background:* Every year, juvenile courts handle an estimated 1.6 million delinquency cases. Nearly 95,000 youth under age 18 are placed in out-of-home placements in the juvenile justice system on any given day.

Detention profoundly and negatively impacts young people's mental and physical well-being, their education and their employment. Unnecessary use of secure confinement also separates youth from the communities, families, and caring adults most invested in their success. Finally, secure confinement is expensive - incarcerating a young person costs between approximately \$32,000-\$65,000 per youth each year.

A broad range of effective - as well as cost-effective - alternatives to incarceration exist, from identifying and diverting youth from the juvenile justice system altogether to placing youth who do not need secure confinement into community-based and home-based alternatives. With regard to diversion, many youth who come into contact with law enforcement or public safety officials may not need to be placed in the juvenile justice system at all and could instead be handled by other State agencies, such as the State's child welfare or substance abuse agency.

Another way to keep youth out of the juvenile justice system is by placing youth in community-based and home-based alternatives, which are designed to provide youth with needed supervision and services outside of locked facilities. Many of these programs are carefully designed, based on current research, to ensure public safety while avoiding the harmful outcomes for youth often associated with incarceration. For example, youth can be assigned to evening reporting centers, which operate after school until the late evening and allow youth to complete homework, learn life skills, engage in community service, and receive meals. Another example is the Juvenile Detention Alternatives Initiative (JDAI), a project of the Annie E. Casey Foundation. JDAI currently is working in approximately 100 jurisdictions across the country to support system improvements that reduce unnecessary reliance on detention of youth and promote safe and humane conditions in juvenile facilities. Many JDAI sites have successfully reduced detention while maintaining or improving public safety.

*Recommendations:*

- Launch a new Administration-driven initiative to raise awareness about the dangers of holding youth in detention and the need for investments in community-based alternatives and other system improvements to keep youth out of detention;
- Collect performance and outcome data on the implementation and effectiveness of community-based and home-based alternatives to detention;
- Identify and evaluate efforts in the States that divert youth from the juvenile justice system and those that place youth in community-based and home-based alternatives and

- Provide technical assistance and training through OJJDP to States to construct and adopt plans to make diversion and evidence-based and promising community-based and home-based alternatives available; and
- Support the Act4JJ Campaign’s recommendation that States include specific information about how they will use community-based and home-based services to address the needs of at-risk youth and youth who come into contact with the juvenile justice system in their State plans. More information on this and other recommendations can be found at [www.act4jj.org](http://www.act4jj.org).

### **3. Advance policies and practices that reduce unjust racial and ethnic disparities at all points in the juvenile justice system.**

*Background:* Youth of color, including Latino, Asian, African-American and American Indian youth, are significantly over-represented in our country’s juvenile and adult criminal justice systems. For example, African-American youth represent 16 percent of the adolescents in the U.S., but are 40 percent of the youth incarcerated in local detention and state correctional facilities. Research also shows that youth of color are treated more harshly than white youth at every stage in the juvenile justice system and adult criminal justice system even when charged with the same category of offense. Moreover, racial and ethnic disparities worsen as youth progress through the system.

Although these statistics are sobering, they may not represent the full extent of disproportionate minority contact with the juvenile justice system. For example, in many parts of the country there are no accurate data on the number of Latino youth in the juvenile justice system. Instead, Latino youth are counted as “white” or “black,” resulting in significant miscounting of Latino youth. Without accurate data, disaggregated by ethnicity as well as by race, it is difficult for communities to plan and coordinate culturally- and linguistically-appropriate services that are effective for youth and their families.

Many jurisdictions across the United States are making significant advances in reducing the disproportionate minority contact (DMC) of youth in the juvenile justice system. Peoria County, Illinois reduced disproportionate referrals of youth of color to the juvenile justice system by working with the school system to strengthen school-based conflict resolution protocols. In addition, following a study and technical assistance funded by OJJDP, Travis County, Texas developed a program to prevent incarceration of youth for technical probation violations, thereby reducing detentions of youth of color.

#### *Recommendations:*

- Hire and provide resources to support an OJJDP DMC Director charged with supporting and guiding States and localities in effective efforts to eliminate racial/ethnic disparities and measurably reduce DMC as soon as possible;

- Identify and evaluate efforts to reduce DMC in the States and identify and disseminate information on best practices for reducing DMC in the States through OJJDP, including making DMC-related reports completed by states and jurisdictions in association with the DMC requirement available on the OJJDP website;
- Ensure that data on DMC is collected regularly, disaggregated by race and ethnicity in each State, and made publicly available on the OJJDP website, including data on DMC reduction efforts where these efforts are underway;
- Conduct research in the area of reducing DMC;
- Provide technical assistance and training to States to reduce DMC with juvenile justice systems through OJJDP; and
- Support the proposed strengthening of the DMC requirement in the JJDP reauthorization by supporting the Act4JJ Campaign's recommendation that States take concrete steps to reduce racial and ethnic disparities in the juvenile justice system. More information on this and other recommendations can be found at [www.act4jj.org](http://www.act4jj.org).

#### **4. Restore federal appropriations in juvenile justice and delinquency prevention.**

*Background:* For almost thirty-five years, the federal government and the States have partnered to support one another in addressing the needs of youth and responding effectively to delinquent behavior.

The federal government supports juvenile justice activities in the States through federal funds allocated via several legislative vehicles, such as the JJDP and the Juvenile Accountability Block Grant (JABG). These grants are then distributed by OJJDP, which - when adequately funded - also functions as a research, training and technical assistance leader to help States to identify, develop and adopt best practices in delinquency prevention, early intervention and the effective administration of juvenile justice.

In turn, the States, via State agencies and the 56 governor-appointed State Advisory Groups on Juvenile Justice (SAGs), administer and make optimal use of federal funds and ensure that their respective jurisdictions comply with federal requirements.

Since 2001, however, federal investments in juvenile justice reform efforts have suffered from neglect. For three years in a row the previous President zeroed out all existing juvenile justice programs and proposed to replace them with one competitive block grant program funded in a way and at a level that would hamper - if not eliminate - state progress and public safety. While Congress repeatedly rejected this proposal, congressional appropriations for juvenile justice programs are down by more than 60%. In addition, over the last eight years OJJDP has lost 90% of its direct operational budget. As a result, its capacity to provide national leadership has all but disintegrated.

Studies show that every dollar spent on proven-effective prevention and early-intervention strategies can yield up to \$13 in cost savings and can save the public nearly \$5.7 million in

costs over a lifetime. But the federal-state partnership cannot produce good outcomes for our nation's youth and communities without adequate investment and leadership.

*Recommendations:*

- Request and advocate that appropriations for federal juvenile justice programs be restored to *at least* FY 2002 levels, with emphasis on the Title II State Formula Grants and Title V Local Delinquency Prevention Grants Programs of the JJDP and the Juvenile Accountability Block Grant Program (JABG); and
- Request and advocate that appropriations for OJJDP's administration of the JJDP and other related programs be restored to *at least* FY 2002 levels, with emphasis on OJJDP's capacity to monitor and support States' compliance with the JJDP and once again provide leadership around research, training and technical assistance.

**5. Ensure federal interagency collaboration to meet the behavioral health needs of youth, including mental health and substance abuse programming.**

*Background:* Across the nation, state juvenile justice systems remain ill-equipped to respond adequately and effectively to youth with mental health or substance abuse needs and disorders. In 2004, the U.S. House Committee on Oversight and Government Reform reported that two-thirds of juvenile detention facilities located in 47 states held youth with mental disorders solely due to a lack of community mental health treatment placements available. The report also stated that States spent an estimated \$100 million each year to house youth who are waiting for community mental health services. In far too many cases, parents have to surrender custody of their children to the child welfare or juvenile justice systems in order to access mental health or substance abuse services.

In addition, the prevalence of substance abuse disorders among youth in juvenile detention is substantial; researchers' estimates vary from 25% to 67% of the detention population, suggesting significant need for treatment and prevention services. Coordination between OJJDP and the Substance Abuse and Mental Health Services Administration (SAMHSA), however, is lacking. To demonstrate, SAMHSA is not an explicitly named member of the Federal Coordinating Council on Juvenile Justice and Delinquency Prevention ("Federal Coordinating Council"), the only federal body charged with coordinating all juvenile delinquency programs and examining how programs can be coordinated among Federal, State, and local governments to better serve at-risk youth and youth involved in the justice system.

*Recommendations:*

- Support collaboration between OJJDP and SAMHSA, including supporting the Act4JJ Working Group's suggestion to include SAMHSA explicitly in the Federal Coordinating Council;
- Direct the Federal Coordinating Council to study and promulgate recommendations on how to improve interagency collaboration around improving and expanding mental health

and substance abuse services for youth who come into contact with the juvenile justice system;

- In partnership with SAMHSA, prioritize technical assistance and training opportunities at OJJDP targeted at behavioral healthcare and juvenile justice workers, including cross-training of each profession; and
- Support, encourage, and help establish the use of best practices across the nation where State agencies are working collaboratively on juvenile justice and mental health issues.