

July 30, 2008

The Honorable Patrick J. Leahy
Chairman
Senate Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Arlen Specter
Ranking Member
Senate Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Leahy and Specter:

We, the undersigned organizations, strongly oppose the Kyl amendment to S. 3155, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008, as it directly contradicts the goals and purposes of the Juvenile Justice and Delinquency Prevention Act. We urge you to vote against the amendment during Committee consideration of S. 3155 this Thursday, July 31st.

The Kyl amendment would modify current federal transfer law by taking the decision of whether a youth should be prosecuted as an adult for an enumerated list of crimes away from neutral federal judges and instead place the decision with prosecutors. The Kyl amendment would also cast a wide net by allowing this increased discretion to be applied to youth who are charged with attempt or conspiracy to commit these crimes or for joined or lesser included offenses.

We strongly oppose the Kyl amendment because it would:

- Harm public safety. Research shows that youth transferred to the adult criminal justice system are more likely to commit crimes in the future. A 2007 report released by the U.S. Centers for Disease Control and Prevention found that youth who have been previously tried as adults are, on average, 34% more likely to commit crimes than youth retained in the juvenile justice system.
- Contradict public opinion. A Zogby poll conducted last year found that 92% of Americans believe that the decision to try a youth in adult court is best made on a case-by-case basis by a neutral decision-maker, such as a juvenile court judge. In addition, national polling shows that a vast majority of Americans support rehabilitating, rather than punishing, even serious juvenile offenders.
- Be inconsistent with the latest scientific evidence on the adolescent brain. Adolescent brain research shows that children's brains are still developing well into their early 20's and that youth do not have all the capacities as adults. Indeed, the final area of the human brain to mature is the prefrontal cortex, which governs the "executive functions" of reasoning, advanced thought and impulse control.

- Result in long-lasting harm to youth. The Kyl amendment would result in additional youth being placed pre-trial in adult jails, therefore resulting in more harm to these youth. Youth placed in adult jails are at high risk of physical and sexual assault and have a much higher rate of suicide when compared to youth in juvenile facilities.

For the reasons above, we urge you to vote against the Kyl amendment during the Committee's consideration of S. 3155. Thank you for your consideration and if you have any questions please feel free to contact Liz Ryan at 202-558-3580 or lryan@cfyj.org.

Sincerely,

Action for Children North Carolina
Advocates for Children of New York
Alabama Youth Justice Coalition
Alternatives, Inc.
American Academy of Child Adolescent Psychiatry
American Civil Liberties Union
American Humane Association
American Probation and Parole Association
Arizona Center for Law in the Public Interest
American Correctional Association
Arizona Council of Human Service Providers
Bazon Center for Mental Health Law
Boys Town (The Original Father Flanagan's Boys Home)
Campaign for Youth Justice
Center for Children's Law and Policy
Children's Action Alliance
Citizens for Juvenile Justice
Clinical Director of Youth Service
Coalition for Juvenile Justice
Coalition on Human Needs
Columbia Legal Services on behalf of clients
Congreso de Latinos Unidos
Connecticut Juvenile Justice Alliance
Franklin County Public Defender
Girls Inc.
Just Children Program
Justice Policy Institute
Juvenile Justice Coalition (of Ohio)
Juvenile Justice Project of Louisiana
Juvenile Rights Advocacy Project
La Causa, Inc.
Mental Health America
Mexican American Legal Defense & Educational Fund (MALDEF)
Michigan Council on Crime and Delinquency
Montgomery County, Ohio, Law Office of the Public Defender
National Alliance of Faith and Justice
National Association of Blacks in Criminal Justice (NABCJ)

National Association of Criminal Defense Lawyers
National Association of School Psychologists
National Center for Lesbian Rights
National Center for Youth Law
National Council of La Raza
National Council on Crime and Delinquency
National Federation of Families for Children Mental Health
National Juvenile Justice Network
Office of Restorative Justice, Archdiocese of Los Angeles
Puerto Rico Legal Aid Society
Southern Juvenile Defender Center
Southern Poverty Law Center
Stop Prisoner Rape
The Counseling Center of Milwaukee, Inc.
The Sentencing Project
Touchstone Behavioral Health
U.S. Dream Academy, Inc.
University of North Carolina at Chapel Hill Juvenile Justice Clinic
Voices for America's Children
W. Haywood Burns Institute
Women of Reform Judaism
Youth Law Center

Cc: Members of the Senate Committee on the Judiciary