

CAMPAIGN FOR YOUTH JUSTICE

BECAUSE THE CONSEQUENCES AREN'T MINOR

January 2010 Newsletter

The Campaign for Youth Justice is a national organization dedicated to ending the practice of trying, sentencing, and incarcerating youth under the age of 18 in the adult criminal justice system.

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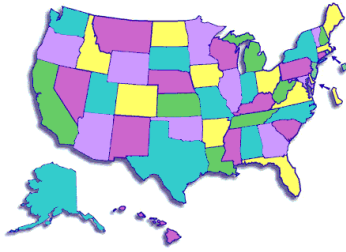
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ACROSS THE COUNTRY



North Carolina Residents: A Letter and Request from our Partners in North Carolina

Dear Advocates,

North Carolina is one of only two states in the United States that prosecutes all 16- and 17-year-olds in the adult correctional system, with no option to be waived into the juvenile system regardless of the severity of the crime. Eighty-five percent of crimes committed by youth in North Carolina are minor and nonviolent, yet these youth come into contact with the adult criminal justice system which is not designed to meet the rehabilitation needs of youth.

Action for Children, CFYJ's North Carolina state partner, believes all youth charged with a crime should start out in the juvenile justice system and judges should retain the authority they currently have to transfer minors to the adult system. Hundreds of you have joined us in expressing support to raise the age of juvenile court jurisdiction from 16 to 18 in North Carolina. Through a new petition tool at [Change.org](#), we now have a way of bringing your support together in one place and letting North Carolina's state leadership know how you feel.

North Carolina residents, please click [here](#) to read and sign Action for Children's new "Raise the Age" petition at [Change.org](#). Through your signature, an email will be automatically sent to North Carolina's state leaders asking them to keep our children out of the adult correctional system.

Why you should sign:

OUR CHILDREN: Annually, over 30,000 of North Carolina's children are involved with the adult criminal justice system. The vast majority of them are charged with minor crimes, yet they now have adult criminal records.

PUBLIC SAFETY: Data demonstrates that youth handled in the juvenile justice system go on to commit less crime than those dumped into the adult system, which has no mandatory treatment, rehabilitation, or even education requirements.

OUTCOMES: The juvenile justice system is structured with the adolescent brain in mind. Evidence shows that treatment, rehabilitation, counseling, mentoring, restitution, and developmentally appropriate punishment work together to turn young lives around.

The state law that prosecutes children in the adult system was passed in 1919. Click [here](#) to tell NC leaders that it's time to catch up to the rest of the country.

Please send this information to your friends, family, and contacts. Together, we can Raise the Age in North Carolina.

Thank you,

Action for Children North Carolina

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FROM THE HILL



JJDPA Passes Through Senate Judiciary Committee

On Thursday, December 17, 2009, the Senate Judiciary Committee passed S. 678, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009. S. 678 would reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDP), one of the major federal juvenile justice laws. S. 678 passed out of the Committee by a bipartisan vote of 12-7, with Senator Grassley (R-IA) joining 11 of the 12 Democratic Senators on the Committee [except Senator Feinstein (D-CA)] in voting for the bill.

S. 678 was introduced on March 24, 2009 by Senators Leahy (D-VT), Specter (D-PA), Kohl (D-WI), and Durbin (D-IL) and currently has 8 bipartisan co-sponsors. During consideration of S. 678, the Committee adopted the following amendments:

- An amendment by Senator Feingold (D-WI) to attach the Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2009 (PRECAUTION Act). The PRECAUTION Act would establish a Commission to study the effectiveness of crime and delinquency prevention and intervention strategies. Following the Commission's report, the Act provides funding opportunities for the government to lead initiatives promoting these strategies and for organizations to implement these initiatives in communities. The amendment was adopted by the Committee by voice vote; the Senators did not cast individual, recorded votes.
- An amendment by Senator Durbin to provide funding to community-based organizations that provide an integrated continuum of services to youth to prevent, control, and reduce delinquency. This amendment was also adopted by voice vote.
- An amendment by Senator Grassley for the General Accounting Office (GAO), an investigative arm of Congress, to evaluate Office of Juvenile Justice and Delinquency Prevention (OJJDP) programs and conduct audits of OJJDP grantees. The amendment was adopted by a vote of 10-9 with the seven Committee Republicans voting for the

amendment with Senators Kohl, Whitehouse (D-RI), and Klobuchar (D-MN).

The Committee also rejected a negative amendment from Senator Sessions (R-AL). This amendment was nearly identical to an amendment authored by Senator Kyl (R-AZ) last year that would have made it easier to prosecute youth as adults in federal courts. Under current federal transfer law, an adult court judge determines on a case-by-case basis whether it is "in the interest of justice" to charge a youth in adult court. However, this amendment would have allowed prosecutors, instead of judges, to decide whether to prosecute youth as adults for certain federal crimes, including attempting or conspiring to commit these crimes and any related crimes.

During the debate on the Sessions amendment, three former prosecutors who sit on the Committee - Chairman Leahy, Senator Whitehouse, and Senator Klobuchar - stated that the amendment was unnecessary. Senator Whitehouse concluded "there is little harm and much value" to having a judge review the decision to prosecute a youth as an adult. The Sessions amendment failed by a bipartisan vote of 6-13, with Senators Grassley and Hatch (R-UT) joining 11 of the 12 Committee Democrats [except Senator Schumer (D-NY)] to oppose the amendment.

The defeat of the Sessions amendment and passage of S. 678 are key victories for JJDPa and for youth across the country. THANK YOU to everyone who helped by contacting their Senator!

Action Item: Contact your Senators and tell them to pass S. 678! Use the Urgent Action Alert immediately below to send a letter to your Senators.

Urgent Action Alert: Tell the Senate to Pass Juvenile Justice Reform Now!

The Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009, S. 678, has been introduced and was approved by the US Senate Judiciary Committee by a vote of 12-7 on December 17, 2009. The Juvenile Justice and Delinquency Prevention Act (JJDPa), was first enacted in 1974 and provides federal funding to states that comply with a set of best practices aimed at avoiding the detention and incarceration of young people in juvenile and adult facilities.

It's a good law and is needed now more than ever to end the over-incarceration of young people of color in the justice system and stop the inappropriate use of adult jails for warehousing children charged as adults.

If you believe that it is urgent to stop putting youth in adult jails and prisons, end the over-incarceration of youth of color in the justice system, and instead devote more resources to effective juvenile justice programs, such as alternatives to detention and incarceration, contact the Senate now and urge them to move the bill on the Senate floor!

Send the letter below to urge your Senators to move the JJDP bill now to take positive steps to fix our juvenile justice system!

To send a letter, go to http://www.change.org/actions/view/tell_the_senate_pass_juvenile_justice_reform_now.

CFYJ Submits Comments to OJJDP's Proposed Program Plan for Fiscal Year 2010

On December 1, 2009, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) published a proposed plan for the agency's priorities and the activities they would undertake in fiscal year 2010. The OJJDP Proposed Program Plan is very comprehensive and covers many of the areas in which OJJDP works, ranging from disproportionate minority contact with the juvenile justice system to drug court programs to Internet crimes against children.

OJJDP invited comments and input from the public and the juvenile justice community regarding its plan. CFYJ was glad to be given the opportunity to comment and to have input into OJJDP's priorities over the upcoming year. CFYJ submitted comments that requested three major changes to the OJJDP Proposed Plan. These requests included:

- The addition of a section addressing the prosecution of youth as adults, which was not mentioned in the original proposed plan;
- More detail around OJJDP plans to reduce the disproportionate rate at which youth of color come into contact with the juvenile justice system, including building on proven practices such as the Juvenile Detention Alternative Initiative of the Annie E. Casey Foundation; and
- A new section developing a plan for the implementation of the potential reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP), which OJJDP will implement in the States.

After receiving comments to the Proposed Plan, OJJDP will create a final plan which may reflect the input the agency receives from outside individuals or organizations. This final plan will be published and publicly available.

Both the OJJDP Proposed Program Plan and the comments submitted on the plan, including CFYJ's, can be found at <http://www.regulations.gov/search/Regs/home.html#docketDetail?R=OJJDP-OJP-2009-0001>.

CFYJ's comments may also be viewed on our website at <http://cfyj.org/documents/cfyjcomments.pdf>.

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RESEARCH & POLICY

Federal Advisory Committee on Juvenile Justice Releases Annual Report Which Comments on Youth Transfer

The Federal Advisory Committee on Juvenile Justice (FACJJ) has released its 2009 Annual Report. FACJJ was established by the Juvenile Justice and Delinquency Prevention Act in 1974 and is composed of appointed representatives from the nation's State Advisory Groups, panels of persons assisting in the administration and management of federally allocated state juvenile justice funds. The Committee advises the President and Congress on matters related to juvenile justice, evaluates the progress and accomplishments of juvenile justice activities and projects, and advises the OJJDP Administrator on the work of OJJDP.

The 2009 Annual Report provides a snapshot of critical issues facing juvenile justice and proposes specific steps to address these issues. Included in the report is a discussion about the waiver and transfer of youth to adult court. The specific solutions recommended by FACJJ are:

- OJJDP should fund independent data collection and research and publish the findings to encourage and empower States and territories to adopt sound, responsible public policy regarding the transfer of juvenile cases to adult court.
- OJJDP should fund more research to study the fiscal and social impacts of transferring juveniles to the adult correctional system and use the research findings to develop model programs, standards of care, and incentive funding for appropriate housing and treatment of juveniles in adult correctional institutions.
- In recent years, many States and territories have sought tougher punishment for juvenile offenders by enacting laws that facilitate the waiver or transfer of juvenile cases from the family courts to the adult courts. These laws are far reaching, but may have been adopted in response to a single case. Transfers may occur at the discretion of judges or prosecutors or may be required for certain offenses or ages.

Additionally, the report specifically finds that, "laws transferring cases to the adult court based solely on the offender's age and offense may actually increase the risk of reoffending" and "the limited research raises questions about whether transfers and waivers of juveniles to the adult court system achieve these goals."

The copy of the report can be found at http://www.facjj.org/annualreports/FACJJ%20Annual%20Report%202009_508%2010%205%202009.pdf.

More information on the Federal Advisory Committee on Juvenile Justice is available at <http://www.facjj.org>.

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NATIONAL MOMENTUM



Join the Movement!

We, at the Campaign for Youth Justice, have launched an exciting and innovative new campaign called "Join the Movement!" We hope to build a network of caring individuals and together expand the movement of people to make reform happen. Learn what it takes to organize and build campaigns and empower yourself and those around you to build this movement for change.

To get started with the Join the Movement Campaign and join other like-minded individuals who seek change, request your Join the Movement Action Kit by emailing jointhemovement@cfyj.org.

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GET ORGANIZED

A Monthly Column by Grace Bauer

Tables of Change

In the juvenile and criminal justice systems, change occurs at the tables of decision makers. This process happens at all levels: national, state, and local. From the perspective of families and youth involved in these systems, the problem with reform is that we are not present at these decision making tables. Many of us are still asking, "Where are those tables?"

At the national level, many key decisions are made by the Office of Juvenile Justice Delinquency and Prevention (OJJDP) and the decisions are governed by the Juvenile Justice Delinquency and Prevention Act (JJDP), the major piece of federal juvenile justice legislation, originally enacted in 1974. Since President Obama took office in January 2009, the previous OJJDP Administrator, Robert Flores, left his position, and the Obama Administration appointed Jeff Slowikowski as Acting Administrator. In the year that the Obama Administration has been in place, however, OJJDP has not yet taken a formal public position in support of the reauthorization of the

JJDP. Considering that this important legislation established OJJDP and governs their work, this is viewed as a complete void of leadership by many in the juvenile justice field. The Administration has also not appointed a permanent Administrator of OJJDP even though it has been over a year since Robert Flores left the position. Juvenile justice should be a priority for this Administration, and it is past time for the appointment of a strong leader with a vision of a system that relies less on harmful incarceration and more on prevention and community based alternatives to incarceration.

Additionally, although the new Administration appears more accessible, transparent, and open to dialogue and the OJJDP Proposed Program Plan speaks of working with families, there has been no movement toward this or collaboration with any families that we have spoken with. The National Parent Caucus is anxious and willing to work with OJJDP to move forward on meaningful engagement with families. In particular, families are asking, "What is OJJDP doing to address important issues related to juvenile justice?" These issues include: the lack of and barriers to quality services for children before they become involved in the system, the lack of education services before, during, and after system involvement, poor legal representation, the dismal failure of the system to explain parental and youth rights, harmful conditions of confinement, the lack of accurate information from probation officers (the people families are most in contact with), the lack of support at re-entry, and the list goes on.

These issues were identified by the families of system-involved youth and discussed in a 2006 report entitled, "What Families Think of the Juvenile Justice System: Findings from the OJJDP Multi-State Study." The study included recommendations for juvenile justice system improvement provided by families, such as improved communication and meaningful collaboration with families. Yet, despite this report and other similar documents, four years later families still feel many of the same burdens and failures heaped on them by the system. As OJJDP decides on the work of the agency for the next few years it should heed the research available and open the decision making tables to the families and youth it serves.

OJJDP is the national leader in the juvenile justice arena and if the agency expects to make the juvenile justice system a system that our nation can take pride in, then it must take that leadership seriously. It must set the precedent of leading states and local systems to be more transparent, engage families in a meaningful way by listening to those who are willing to share their experiences, and put this experiential knowledge to work immediately. To be exact, the agency should open its decision making tables to create opportunities to model transparency, quality discussions, and decision making processes for states to follow.

At the state and local levels, the processes that govern juvenile justice are all over the map. Only a handful of states have taken a serious and conscientious look at their disjointed and often dangerous, costly, and ineffective juvenile justice systems. Most states that have examined their systems have only undertaken the task after years of abuse and neglect to vulnerable children made headlines. If states had built their systems with the express mission of improving the lives

of the children and incorporated checks and balances to foster transparency, we would likely find ourselves in a much more positive situation today. States need to take hold of the power at their disposal and bring families into meaningful discussions about the direction of their agencies and the way in which they can build the future of their states through caring for children.

For many states this will mean starting from scratch by creating boards and advisory groups that include families, youth, and community members to guide juvenile justice system reform. These entities should be required to address and find solutions for the most serious problems facing juvenile justice systems today: racial and ethnic disparities, the lack of quality and accessible community-based services, poor legal representation, the over-use of incarceration, the lack of collaboration with families in the care and treatment of their children, harmful conditions of confinement, inferior educational opportunities for system-involved youth, inadequate information pertaining to the rights of families and children, and the absence of opportunities for families to provide input on the system. All of these issues need immediate attention and concrete action steps created in order to empower people to find solutions.

I believe many people, particularly those who have worked in the juvenile justice field for years, think these problems are an inherent and unchangeable part of the system. However, we know from efforts such as the Juvenile Detention Alternatives Initiative (JDAI), an initiative of the Annie E. Casey Foundation, that local and state agencies can change the nature of their systems to reduce over-reliance on incarceration and utilize limited funding to produce the best outcomes for children. These processes of change and their results are well documented and thus easily replicated. Unfortunately, the missing component to affecting this change in most places is the political will to address systems that predominately affect the poor and/or communities of color.

This lack of political will is where the voices of families, youth, and communities are so desperately needed. We must, as a multi-cultural and diverse group numbering in the millions, hold our public officials accountable for the destruction of our families and communities through the overuse of incarceration. If each of us would commit to doing three things this year, by the end of 2010 we would begin to see the political will to change the nature of these destructive bureaucratic systems. What are the three most important things you can do this year?

1. Find others like yourself that have a child or have had a child in the system. You can build power to make a difference by bringing people together, sharing experiences, and educating each other. This unity empowers people to take a stand.
2. Bring light to the issues that are happening in your states' juvenile and criminal justice system. Talk to reporters and your community. Share your experience clearly and without shame.
3. Expect accountability. If things are wrong with your system, seek solutions, and bring these solutions to those at the tables with the authority to make change. If those in power do not respond, share this with reporters and your community.

The Campaign for Youth Justice is committed to helping you do these things and is ready to offer assistance and support to those willing to take a stand and find their seats at the tables of change in their communities. Are you willing? You can reach me at Familiescantwait@yahoo.com or 443.418.5201.

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VOICES

Chris V.



Chris spent 15 months in the juvenile block of the DC Jail before being transferred into the federal prison system. Of his time in jail, Chris says, "There wasn't much to do. We had very little programming and virtually no classes.... We would watch TV or sleep most of the time.... At the jail, we were treated like adults even though

we weren't adults. When we went to the jail staff with our problems, their answers were to stop crying... [and] take care of our problems on our own. Our usual way of taking care of problems was fighting.... Being in that jail made me feel like I was nothing... because that is how we were treated, [like nothing]. We didn't get any programs that would have helped us become better people. Nobody cared about what you had to say or what your problem was. It was like I was invisible. The way they treated us was horrible. The DC jail was the worst place I have ever been; it is no place for a juvenile."

After his stay in jail, Chris traveled to federal prisons around the country because of the lack of local facilities for DC inmates, including youth tried as adults. He moved around a lot, being transferred between facilities in North Dakota, South Dakota, Ohio, Oklahoma, and North Carolina. For over a year, Chris rarely heard from his family and friends and never saw them because it was too far and too expensive to travel from DC to wherever he was.

Since his release, Chris has been working full-time. "It's been good. I'm kind of getting my life together, staying on the straight path. I left my neighborhood and don't really call my friends or talk to them.... [I'm] trying to put myself around positive people." He hopes to go to school in computers but is uncertain how he can afford college due to difficulties of obtaining a student loan with an adult criminal record.

While Chris is trying to move past his experiences in prison and jail, he does look back occasionally and believes that he would have benefited from staying in the juvenile system. "Our needs are better served [through] mental health and drug treatment, life skills classes, and job training [which can] help rehabilitate us and better ourselves." Chris has experienced what it is like to be a young person in adult facilities and wants people to know that "No child should be [in the adult system]. It's called the adult system for a reason.... What does youth/adult mean?"

It doesn't exist."

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ON THE CALENDAR



February 15-21

Faith Communities for Families and Children invites you to participate in and endorse its third annual Juvenile Justice Week of Faith. This is an opportunity for communities of faith around the country to unite in raising awareness of the needs of the children and families impacted by the juvenile justice system. As an interfaith observance, Juvenile Justice Week of Faith means engaging your congregation in issues of juvenile justice in whatever way is most appropriate for your community.

For more information on how to endorse and participate in Juvenile Justice Week of Faith visit <http://www.fcfla.org>.

An action component for Juvenile Justice Week of Faith is to educate congregations about extreme sentences for youth. The US stands alone as the only country in the world that sentences youth to life without the possibility of parole. More information on extreme sentencing is available through a recent Los Angeles Times article at <http://www.latimes.com/news/opinion/editorials/la-ed-lwop14-2010jan14,0,4639361.story>.

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GET IN THE ACTION WITH CFYJ

Urge your Senators to move the JJDP A Reauthorization bill! Send a letter at http://www.change.org/actions/view/tell_the_senate_pass_juvenile_justice_reform_now.

Encourage parents and families who have been directly affected by punitive policies that try youth as adults to join the National Parent Caucus!

Thank your Senator if they sit on the Senate Judiciary Committee and voted for S. 678 or against the Sessions amendment.

Follow CFYJ on [Twitter](#).

Send your story of a youth tried as an adult or refer a friend to participate in [CFYJ's Case](#)

[Profiles Project.](#)

Listen to on-demand past episodes of Juvenile Justice Matters radio shows at <http://www.blogtalkradio.com/jjmatters>.

Join the [Campaign for Youth Justice on Facebook](#) and connect with hundreds of advocates across the country.

Visit the [Campaign's YouTube channel](#).

Read [JJ Today](#), *Youth Today's* blog on juvenile justice.

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PUT YOUR DOLLARS TO WORK!

Support the Campaign for Youth Justice! Your dollars can make a substantial difference right at the heart of the movement for justice for our children. For the parent advocates we support, \$20 buys copies of flyers and other outreach materials, \$50 buys meals for their families, and \$100 buys transportation for a group of advocates to attend a training or raise their voices at a hearing. Please consider your resources and share what you are able. To donate, go to <http://www.campaignforyouthjustice.org/donate.html>.

Thank you for your consideration!

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