



**WASHINGTON BUREAU · NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE**

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August 17, 2018

The Honorable  
United States Senate  
Washington, D.C. 20510

**RE: NAACP STRONG SUPPORT FOR THE QUICK ENACTMENT OF LEGISLATION TO  
REAUTHORIZE THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT**

Dear Senator ,

On behalf of the NAACP, our nation's oldest, largest and most widely-recognized grassroots-based civil rights organization, I strongly urge you to work towards the speedy enactment of legislation to reauthorize and update the highly-successful Juvenile Justice and Delinquency Prevention Act (JJDP). The JJDP is a very important law that embodies a partnership between the federal government and the states and localities to protect children in the juvenile justice system; address high-risk and delinquent behavior; and improve community safety. Its successes, and thus its reauthorization, is supported by members of both political parties in both bodies of Congress.

Very similar versions of the reauthorizing legislation has passed both the House and the Senate in the 115<sup>th</sup> Congress, in both cases by unanimous consent, and there appears to be no real opposition to its enactment. Quite to the contrary, there is strong bipartisan, bicameral support for the programs which fall under the JJDP, and the differences between the House and Senate bills are sufficiently minor that pushing this legislation to enactment will take very little effort.

First signed into law on September 7, 1974 by President Gerald Ford, the JJDP authorizes funding to states that agree to monitor and comply with four core protections for justice-involved youth. The law was last reauthorized in 2002, making it a decade overdue for reauthorization. H.R. 1809, sponsored by Congressmen Jason Lewis (MN) and Rep. Bobby Scott (VA), passed the House by a voice vote on May 23, 2017. S. 860, sponsored by Sen. Chuck Grassley (IA) and Sen. Sheldon Whitehouse (RI), passed the Senate by voice vote on August 1, 2017. Since then, there has been no action.

While the entire reauthorization of JJDP is important to the NAACP, of special significance is the part of the legislation dealing with the core protection known as "Disproportionate Minority Contact" (DMC). Research has documented that for a variety of reasons, youth of color are disproportionately over-represented and subject to more punitive sanctions than their

similarly-charged / situated white peers at all levels of the juvenile justice system. Both the House-passed and the Senate-passed bills give clear direction to states and localities to plan and implement data-driven approaches to ensure fairness and reduce racial and ethnic disparities; to set measurable objectives for disparity reduction; and to publicly report the effectiveness of such efforts. Data collection around DMC and a reduction of the problem is one of the four core protections mandated by the JJDP.

Both the House and Senate bills also improve the Jail Removal and Sight and Sound core protections. Research shows youth confined in adult jails and lock-ups are more likely to re-offend upon release and that, while confined, are at pronounced high risks for suffering assault and committing suicide. Both bills extend the jail removal and sight and sound core requirements to keep youth awaiting trial in criminal court out of adult lock-ups and to ensure sight and sound separation in the limited circumstances where they are held in adult facilities.

The primary issue of contention between the House and Senate bills appears to be the continued use of the Valid Court Order (VCO) exception as it pertains to the Deinstitutionalization of Status Offenders (DSO) core protection. Under current law, non-delinquent status offenders, such as children who are truant, runaway, violate curfew, or who violate alcohol and tobacco laws, may be held in juvenile lock-ups under VCO when it is so ordered by a judge. The practice persists despite evidence that securely detaining status offenders is harmful to youth development and is costly, especially when compared to more effective responses including shelter care, crisis counseling, family support, and/or community and school based interventions. H.R. 1809 requires states to phase-out the use of the VCO exception within three years, and allows states in need to apply for one-year hardship extensions. A similar provision was removed from S. 860 before final passage.

Otherwise, the bills are fairly similar. Both the House and the Senate bill strengthen the governments' commitment to educational progress for system-involved youth; and both bills include a definition of 'trauma-informed' and encourage states to ensure that programs and practices designed to address the needs of system-involved youth are both evidence-based and trauma-informed. Both bills promote community-based alternatives to detention; encourage family engagement in design and delivery of treatment and services; and improve screening, diversion, assessment, and treatment for mental health and substance abuse needs; and both the House and Senate bill strengthen incentives for investment in evidence-based practices to reduce recidivism. Both bills address challenges unique to girls and tribal members and both the House and the Senate bills support state efforts to expand youth access to counsel and to inform youth of opportunities to seal or expunge juvenile records once they have gotten their lives back on track.

As in the provisions affecting the four core protections, the differences between the House and Senate bills as they relate to improving the overall juvenile justice system are minimal and easily negotiated. Lastly, both bills largely agree on how to improve oversight, accountability,

and transparency of juvenile justice programs. The similarities far outweigh the differences, which should be easily negotiated.

The manner in which our nation treats juveniles who are involved in the criminal justice system is of vital importance, and reflects on us as a people. We should apply what we have learned over the last 44 years and reauthorize and improve the JJCPA sooner rather than later. I thus urge you, again, to do all that is possible to move this crucial legislation to the President's desk for his signature with all due haste. Thank you in advance for reviewing the concerns of the NAACP. Should you have any questions or comments, please do not hesitate to contact me at my office at (202) 463-2940.

Sincerely,

A handwritten signature in black ink, appearing to read "Hilary O. Shelton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Hilary O. Shelton  
Director, NAACP Washington Bureau &  
Senior Vice President for Policy and Advocacy