

Leahy-Specter-Kohl Introduce Juvenile Justice Reauthorization Bill

WASHINGTON (Wednesday, June 18, 2008) – Senior members of the Senate Judiciary Committee today introduced legislation to extend the Juvenile Justice and Delinquency Prevention Act (JJDP), which authorizes key programs designed to protect young people, keep them out of trouble, and provide necessary resources and programs to provide children with every opportunity to become productive adult members of society.

The JJDP authorizes a series of competitive grant programs through the Department of Justice to help reduce crime among youths and recidivism in the juvenile justice system. The reauthorization legislation introduced Wednesday by Committee Chairman Patrick Leahy (D-Vt.), Ranking Member Arlen Specter (R-Pa.) and Committee member Herb Kohl (D-Wis.), is the product of months of research and debate. The Senate Judiciary Committee held a [hearing in December](#) to explore how best to address the needs of states in combating juvenile crime through the reauthorization of the JJDP.

The proposed legislation would increase federal funding for prevention, intervention and treatment programs designed to reduce incidence of juvenile crime. The bill strikes a balance between providing federal support and guidance to state programs and respecting the individual criminal justice policies of states. The bill urges states to make key improvements to juvenile justice systems, and addresses concerns about pretrial detention of youths in adult jails and about detention of children who commit status offenses like truancy by establishing meaningful guidelines, procedural protections, and restrictions. The legislation also prioritizes and funds mental health and drug treatment for juvenile offenders, and encourages states to further address the overrepresentation of minorities in the juvenile justice system. Finally, the bill supports the efforts of states that attempt to comply with the core requirements of the JJDP by making funds available through improvement grants to help bring states into compliance with the Act.

“With the reauthorization of this important legislation, we recommit to the important goals of the Juvenile Justice Delinquency and Protection Act,” said Leahy. “We also push the law forward in key ways to better serve our communities and our children. After months of research and discussions, Senator Kohl, Senator Specter, and I believe we have found a way forward toward creating a system that will work more effectively to protect our young people.”

“Despite the nationwide recognition of the importance that role models and mentoring play in youth development, there remains an unfortunate shortage of programs devoted to stemming youth delinquency,” Specter said. “Through mentoring and other programs, this Act will help to prevent delinquency and promote rehabilitation, so that young offenders are less likely to become stuck in the criminal justice system. I am pleased to be a cosponsor, and I look forward to working with my colleagues in the Senate to pass this legislation.”

“Juvenile justice programs help prevent crime, strengthen communities and give kids a second chance to succeed and lead productive lives,” Kohl said. “This legislation

responds to the immediate needs of communities throughout our nation facing the problem of juvenile delinquency by increasing federal resources. I applaud Senators Leahy and Specter for working with me to unveil this bill that will bolster and expand juvenile justice initiatives, provide hope for millions of at-risk children and address the roots of crime.”

The statement by Senator Leahy follows.

Statement of Sen. Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee
on the Introduction of the
“Juvenile Justice and Delinquency Prevention Reauthorization Act”
June 18, 2008

I am pleased to join Senator Specter and Senator Kohl in introducing important legislation designed to protect our communities and particularly our most precious asset, our children, not only by keeping them safe and out of trouble, but also by helping to ensure they have the opportunity to become productive adult members of society. Senator Specter and Senator Kohl have been leaders in this area of the law for decades, and I am honored to work with them once again on such an important initiative. I thank Senator Kohl for sharing with me the responsibilities of chairing the Committee’s hearing on this bill in December, and for working so hard to draft this legislation.

The Juvenile Justice and Delinquency Prevention Act (JJDP A) sets out Federal policy and standards for the administration of juvenile justice in the states. It authorizes key Federal resources for states to improve their juvenile justice systems and for communities to develop programs to prevent young people from getting into trouble. With the reauthorization of this important legislation, we recommit to these important goals but also push the law forward in key ways to better serve our communities and our children.

The basic goals of the Juvenile Justice and Delinquency Prevention Act remain the same: keeping our communities safe by reducing juvenile crime, promoting programs and policies that keep children out of the criminal justice system, and encouraging states to implement policies designed to steer those children who do enter the juvenile justice system back onto a track to become contributing members of society.

The reauthorization of the JJDP A that we introduce today augments these goals in several ways. First, this bill encourages states to move away from keeping young people in adult jails. The Center for Disease Control and Prevention concluded late last year that children who are held in adult prisons commit more crimes, and more serious crimes, when they are released, than children with similar histories who are kept in juvenile facilities. After years of pressure to try more and more young people as adults and to send them to adult prisons, it is time to seriously consider the strong evidence that this policy is not working.

We must do this with ample consideration for the fiscal constraints on states, particularly in these lean budget times, and with ample deference to the traditional role of states in setting their own criminal justice policy. We have done so here. But we also must work to ensure that unless strong and considered reasons dictate otherwise, the presumption must be that children will be kept with other children, particularly before they have been convicted of any wrongdoing.

As a former prosecutor, I know well the importance of holding criminals accountable for their crimes with strong sentences. But when we are talking about children, we must also think about how best to help them become responsible, contributing members of society as adults. That keeps us all safer.

I am disturbed that children from minority communities continue to be overrepresented in the juvenile justice system. This bill encourages states to take new steps to identify the reasons for this serious and continuing problem and to work together with the Federal government and with local communities to find ways to start solving it.

I am also concerned that too many runaway and homeless young people are locked up for so-called status offenses, like truancy, without having committed any crime. In a Judiciary Committee hearing earlier this year on the reauthorization of the Runaway and Homeless Youth Act, I was amazed by the plight of this vulnerable population, even in the wealthiest country in the world, and inspired by their ability to rise above that adversity. The Runaway and Homeless Youth Act seeks to provide necessary services to vulnerable young people.

Complementing that effort, this reauthorization of the JJDPa takes strong and significant steps to move states away from detaining children from at-risk populations for status offenses. This bill requires rigorous new procedures before a state can detain a status offender, and strictly limits the time they may be detained. This provision was drafted with the limited resources of states in mind, deference to judicial discretion, and the need to keep children safe when no other appropriate placement is available, but it aims to move states decisively in the direction of ending the practice of detaining status offenders, as some states already have.

As I have worked with experts on this legislation, it has become abundantly clear that mental health and drug treatment are fundamental to making real progress toward keeping juvenile offenders from recidivism. Mental disorders are two to three times more common among children in the juvenile justice system than in the general population, and fully eighty percent of young people in the juvenile justice system have been found by some studies to have a connection to substance abuse. Often these young people face coexisting mental health and drug problems. This bill takes new and important steps to prioritize and fund mental health and drug treatment.

The bill tackles several other key facets of juvenile justice reform. It emphasizes effective training of personnel who work with young people in the juvenile justice system, both to encourage the use of approaches that have been proven effective and to

eliminate cruel and unnecessary treatment of juveniles. It also creates incentives for the use of programs that research and testing have shown to work best.

Finally, the bill refocuses attention on prevention programs intended to keep children from ever entering the criminal justice system. I was struck when Chief Richard Miranda of Tucson, Arizona, said at our December hearing on this bill that we cannot arrest our way out of the problem. I heard the same sentiment from Chief Anthony Bossi and others at the Judiciary Committee's field hearing on young people and violent crime in Rutland, Vermont, earlier this year. When seasoned police officers from Rutland, Vermont, to Tucson, Arizona, tell me that prevention programs are pivotal, I pay attention.

Just as this administration and recent Republican Congresses have gutted programs that support state and local law enforcement, so they have consistently cut and narrowed effective prevention programs, creating a dangerous vacuum. We need to reverse this trend and help our communities implement programs proven to help kids turn their lives around.

I have long supported a strong Federal commitment to preventing youth violence, and I have worked hard on past reauthorizations of this legislation, as have Senators Specter and Kohl and others on the Judiciary Committee. We have learned the importance of balancing strong law enforcement with effective prevention programs. This reauthorization pushes forward new ways to help children move out of the criminal justice system, return to school, and become responsible, hard-working members of our communities.

I thank the many prominent Vermont representatives of law enforcement, the juvenile justice system, and prevention-oriented non-profits who have spoken to me in support of reauthorizing this important Act and who have helped inform my understanding of these issues. They include Ken Schatz of the Burlington City Attorney's Office, Vermont Juvenile Justice Specialist Theresa Lay-Sleeper, and Chief Steve McQueen of the Winooski Police Department. I know that many of my colleagues on the Committee have heard from passionate leaders on this issue in their own states.

These are difficult issues. We all care deeply about the well-being of our children and our communities, but we will not always agree completely on the best way to address the problems that keep too many of our young people ensnared in the justice system. After months of research and discussions, Senator Kohl, Senator Specter, and I believe we have found a way forward toward creating a system that will work more effectively to protect our young people. I hope all Senators will support this important legislation.