

# Recommendations for President Donald Trump and Attorney General Jeff Sessions

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Coalition for Juvenile Justice – the Nation’s  
Juvenile Justice State Allies



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## Letter from the CJJ Executive Board

**Dear President Trump and Attorney General Sessions,**

The Executive Board and nationwide membership of the Coalition for Juvenile Justice (CJJ) wish to thank you and your Administration for your commitment to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) included in your proposed Fiscal Year 2018 budget. CJJ and its member State Advisory Groups (SAGs), across all states, territories and the District of Columbia interact in our statutory, professional and voluntary roles very closely with OJJDP. OJJDP and the functions it carries out are essential in keeping our children and communities safe.

We also want to take this opportunity to thank the Acting Administrator of OJJDP, Eileen Garry, who has also served along with you. She demonstrates superb leadership and we appreciate her willingness to actively engage with CJJ and our members across the country.

CJJ would also like to share our recommendations in support of a strong and focused federal partnership in juvenile justice and delinquency prevention, guided by your Administration. Specifically, we wish to include recommendations based on input from our members nationwide, regarding the administration and priorities of OJJDP and the potential for even greater leadership by your Administration in juvenile justice policy advancement and reform.

The context for many of our recommendations also responds to the need to create safe and supportive communities for youth, in consideration of the horrific shootings that have taken place in our schools, and the regrettable daily violence experienced by vulnerable youth, families and communities. These tragic events, reinforce the need to invest in strategies that work to prevent violence in the lives of youth. As the Administration moves forward with its proposals, we respectfully ask that you consider our recommendations below, as they represent critical components of any comprehensive violence prevention plan.

In specific, CJJ wishes to call your attention to the Juvenile Justice and Delinquency Prevention Act (JJDP Act) – long overdue for reauthorization – and other federal juvenile justice efforts that address prevention of youth victimization and violence. These are existing laws and federal initiatives under which youth gun violence, youth development, school climate, and community supports can be addressed effectively. All of the existing juvenile justice funding streams highlighted in CJJ's recommendations currently support state and local initiatives to protect youth and keep them positively connected to their families, schools and communities. We urge the Administration to utilize these options when crafting proposals to prevent and reduce violence in the lives of youth.

Respectfully submitted on behalf of the entire board and with our gratitude for your leadership,



Hon. Steve Teske  
National Chair



Naomi Smoot  
Executive Director

# Recommendations to the Administration

## 1. Reinforce the Critical Role of the Federal Government in Juvenile Justice and Delinquency Prevention by Strengthening OJJDP.

In order for the federal government to function as a responsive and responsible partner with the states, we believe it is critical that juvenile justice continue to have a dedicated focus and a well-regarded and influential “home” within the federal government and the U.S. Department of Justice, distinct from the larger focus on criminal justice. In this way, OJJDP serves the critically important purposes of:

- developing national juvenile justice focused policies, priorities, and plans;
- advancing research to ensure comprehensive knowledge of delinquency and its prevention and reduction; and
- providing guidance, support, and oversight to states in implementing the JJDPA and other federal juvenile justice priorities.

Because it operates separately from state systems, OJJDP can provide national leadership and coordination among diverse prevention and intervention programs; and where individual states are necessarily focused on improving systems within their own borders, OJJDP can monitor challenges and opportunities on a national scale. OJJDP is the only federal agency charged solely with these responsibilities, and as such is well positioned to help the federal government fulfill critical functions.

OJJDP has served a vital function, providing valued guidance and information to states, tribes, territories, communities, and individuals across the country through research and targeted training and technical assistance. In our view, OJJDP has already produced several promising new developments in recent years, including:

- Research—particularly field-initiated research—has been supported and encouraged;
- The importance of addressing disproportionate minority contact (DMC) in the juvenile justice which has been restored as a significant priority for working with the states participating in the JJDPA; and
- A richer field of subject matter experts in juvenile justice which has been accessed to support the training and technical assistance functions at OJJDP.

While they may seem modest, these changes have had a multiplier effect at the state level and forecast even broader and more sustainable changes in the juvenile justice field as OJJDP is further strengthened.

## 2. Prioritize Reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP A).

The JJDP A, which creates a unique state and federal partnership, has been due for Reauthorization since 2007. More than 35 years after its enactment, the JJDP A is one of the most successful standard-setting statutes at the federal level, and at its heart recognizes the value of citizen-driven efforts to prevent and stem delinquency. The success of the JJDP A has been supported in significant part by the national agenda-setting, research, evaluation, oversight, and technical assistance functions of OJJDP. It remains the landmark federal statute—and single most influential piece of federal legislation—providing four substantive safeguards for youth who come into contact with the juvenile justice system:

- the deinstitutionalization of status offenders core protection provides that non-delinquent youth charged with offenses such as truancy and running away should not be confined in juvenile or adult incarceration facilities;
- the sight and sound separation core protection provides that juveniles who are legitimately held in adult jails or lock-ups be sight and sound separated from adult inmates;
- the jail removal core protection provides that juveniles should not be placed in adult jails and lock-ups, except under very limited circumstances; and
- the disproportionate minority contact core protection mandates that states take measures intended to reduce and resolve racial/ethnic disparities at key contact points in the juvenile justice system.

Failure to strengthen and reauthorize the JJDP A raises the specter that some states may no longer maintain a sharp focus on preserving these safeguards.

Moreover, JJDP A funds support state and local initiatives that fall within one or more of 30 additional purpose areas emphasizing preventive, developmentally sound and equitable responses to youth at risk of court involvement. They also address the prevention of youth violence, gun violence, and victimization, including:

- “Gun Programs” to prevent and reduce unlawful acquisition and illegal use of firearms by juveniles;
- “School Programs,” such as those designed to enhance school climate and safety; and
- “Strategic Community Action Planning,” to put in place continuums of services across multiple sectors for at-risk youth and families, and to support prevention of violence and delinquency.<sup>i</sup>

The JJDP A provides a key opportunity to invest in strategies to prevent youth gun violence, promote positive school environments, and enable communities to provide much needed support and resources for vulnerable youth, through a comprehensive approach which is mandated in statute and provides the strongest possible approach.

Legislation (S.680) to reauthorize the JJDP A was introduced by the Chairman of the Senate Judiciary

Committee, Senator Charles Grassley, with original co-sponsor Senator Sheldon Whitehouse earlier this year and was approved by the Senate on Aug. 1, 2017. Similar legislation (H.1809) was introduced by Representative Jason Lewis, with original co-sponsors Representative Virginia Foxx and Representative Bobby Scott. H. 1809 was approved by the House on May 23, 2017.

CJJ endorsed both bills, given that they met many of the goals set forth in the [CJJ Platform](#) for Reauthorization of the JJDPA. The Platform includes more extensive discussion of the reauthorization of the JJDPA, including 13 planks/positions addressing:

- federal supports and resources needed to fulfill the spirit and intent of the JJDPA;
- safeguards for youth, families and communities; and
- the central value of prevention.

To enhance policy and practice reforms at the federal level, CJJ urges that such initiatives be well informed and supported by the states working in a formal manner with OJJDP. For nearly 20 years, CJJ worked under a cooperative agreement with OJJDP as a valued partner organizing and orchestrating the statutorily recognized “eligible representative organization of SAGs,” as defined in the JJDPA. In 2003, OJJDP did away with this partnership and chartered another entity: the Federal Advisory Committee on Juvenile Justice (FACJJ). The powers of the FACJJ, however, are limited and do not fulfill the scope as described in the JJDPA. Consistent with the mandates of the JJDPA, and for the benefit of our nation as a whole, OJJDP should honor the ingenuity of Congress when it gave an explicit role and enumerated functions within JJDPA to a free-standing organization of the SAGs, serving as a third-party partner, independent of government, to advise the legislative and executive branches and represent the views and needs of the states.

### 3. Restore Robust Levels of Federal Investment in Delinquency Prevention and Juvenile Justice Reform.

Research shows that prevention works. For each dollar invested in community-based youth development and prevention efforts, we save taxpayers up to \$8 in future costs, and dramatically reduce delinquency.<sup>ii</sup>

Community-based treatment for youth has been shown to be far more effective and cost-efficient than incarceration. Finally, research shows that system-involved youth are at risk of emotional and physical injury, unless systems invest in options and alternatives that keep youth separate from adult offenders and prevent/limit the use of locked confinement for less serious offenders.<sup>iii</sup> Such federal partnerships with the states are essential to providing states with the leverage they need to secure local dollars to achieve their individualized goals.

- The JJDPA Title II State Formula Grants Program, which supports efforts across every state<sup>iv</sup> to comply with federal standards for the care of youth in the justice system, has been cut by 38 %.

- The JJDP A Title V Local Delinquency Prevention Grants Program, the only federal program designed to prevent delinquency at the local level in coordination with a statewide prevention plan, has been slashed by 85 %. Of the Title V funds appropriated in recent years, nearly all have been earmarked.
- The Juvenile Accountability Block Grant Program (JABG), which provides local judges, law enforcement officers, corrections officials, and providers with a range of options to address the needs and behaviors of court-involved youth, has been completely eliminated for the past four years.

A constructive federal-state partnership can produce positive outcomes for our nation's youth and our communities given clear and consistent investment and leadership. Therefore, we recommend immediate restoration of funds as follows and seek your leadership and assistance in doing so:

- \$80 million for the JJDP A Title II Program to support a reauthorized JJDP A and ensure state compliance with accepted standards of care and advancement of juvenile justice reforms;
- \$65 million for the JJDP A Title V program, *with no earmarks or carve outs*, to prevent delinquency at the local level in coordination with a local investment strategy and statewide plan; and
- \$30 million for JABG to preserve and support a continuum of evidence-informed graduated sanctions and service continuums, including cost-efficient confinement alternatives, for youth involved with the courts.

#### 4. Support the Passage of the Youth PROMISE Act (YPA).

First introduced in 2007, the Youth Prison Reduction through Opportunity, Mentoring, Support, and Education ("Youth PROMISE") Act is bipartisan legislation to invest in positive youth development with a specific emphasis on abating juvenile gang violence and delinquency. The legislation is grounded in the counsel of more than 50 juvenile justice/criminal justice policy makers, researchers, practitioners, analysts, and law enforcement officials across the political spectrum. Since the 111<sup>th</sup> Congress, the Youth PROMISE Act has received strong bi-partisan support, garnering 233 co-sponsors in the House, and 16 co-sponsors in the Senate.

The Youth PROMISE Act provides targeted federal investments to support community planning efforts and evidence-based prevention and intervention initiatives at the local level in the form of mentoring, afterschool programs, family strengthening services, and youth leadership development; approaches proven to reduce victimization, keep children involved in pro-social activities, and ensure cost-effective use of public resources.

The Youth PROMISE Act would provide localized funding that is distinct from the JJDP A. Unlike the JJDP A, which is state focused, the Youth PROMISE Act creates partnerships with cities, such as Chicago and Los Angeles, to help address and deter gang violence.

## 5. Build on proven strategies to increase school engagement and success for all youth and to prevent the conflation of school discipline policy and juvenile justice system sanctions, also known as the “school-to-prison pipeline.”

In recent years, CJJ members nationwide have witnessed an unprecedented conflation of school discipline policy and sanctions traditionally reserved for the juvenile justice system. In fact, the connection between school discipline and the juvenile courts has become so close that it is coined, the “school-to-prison pipeline.” The pervasive use of exclusionary discipline and zero-tolerance policies has created this pipeline effect, funneling youth out of the school system and into the juvenile justice system. This pipeline leads to poor outcomes for schools, communities, and youth, ultimately denying education and emotional support to those who typically need it the most.

Much work is needed on this front. For example, recent data from the U.S. Department of Education Office of Civil Rights (“OCR”) indicate that exclusionary discipline and zero tolerance policies are disproportionately applied to youth of color, an outcome that is directly at odds with the JJDPa mandate to reduce disproportionate minority contact (DMC) with the juvenile justice system. Data further shows that these exclusionary practices and their disproportionate impacts can begin as early as preschool.

CJJ supports approaches to ending the school-to-prison pipeline that integrate the following principles:

- ***Demand for evidence-based approaches.*** There is now ample evidence to support the position that policies which exclude youth from schools lead to detrimental outcomes for them, their families, and communities. Any approach to stem the school-to-prison pipeline should take into account the best evidence we have of what works, including reducing referrals to the juvenile justice system, and for those youth referred, reduction in the use of out-of-home placement and an increase in community-based interventions that focus on addressing unmet needs.
- ***Balancing of interests.*** CJJ supports approaches that balance needs for the fair administration of justice, community safety, and the health and well-being of youth who come into contact with the juvenile justice system. Our experience and evidence show that these interests are not at odds with one another. For instance, one key component of an improved approach is to eliminate school exclusion for disciplinary infractions, specifically long-term suspension and expulsion practices. In-school interventions and alternative services/supports produce better outcomes and avert future problems. The National Coordinating Committee on School Health and Safety reported that suspension and expulsion lead to or worsen academic problems, delinquency and substance abuse. They also noted that children most likely to be suspended are those who have the greatest need for assistance and supervision from professionals.<sup>v</sup> Additionally, suspension or expulsion has been shown to be a primary reason for dropping out of school<sup>vi</sup> and high school dropouts are 3.5 times more likely than high school graduates to be incarcerated.<sup>vii</sup>

- **Reliance on partnerships in and around schools, students and families.** The strategies that work best—examples from the field collected over our decades’ of experience—are those that rely on a mix of public-private partnership and support, and broad-based involvement from system actors and community stakeholders, including families and youth. In CJJ’s 2001 report to the President, the Congress and OJJDP, [Abandoned in the Back Row: New Lessons in Education and Delinquency Prevention](#), we pinpointed specific strategies and qualities of supportive school settings serving low income and at-risk populations. Such supportive schools and educational settings involve parents and family members, seek to develop children’s/youths’ strengths and personal assets, and create positive environments for communication and learning.
- **Specific strategies to resolve disproportionate minority contact (“DMC”) and racial/ethnic disparities.** Both the efficacy and integrity of the juvenile justice systems are threatened if school and juvenile justice sanctions are disproportionately applied to specific races and ethnic groups.

Relatedly, CJJ would also urge you to explore—as we have begun to do—the relationship between the use of seclusion and restraint in schools; measures that have traditionally been applied in adult correctional facilities yet increasingly are being utilized in schools and educational settings, including elementary and pre-schools.

## Conclusion

Our continuing success depends in good part on you and OJJDP advocating for a strengthened, forward-thinking JJDP; making the case for federal investments in JJDP and JABG to empower state action; enacting the Youth PROMISE Act to provide cities with much-needed financial resources; and developing the federal-state partnership for delinquency prevention to the greatest possible extent. CJJ stands ready to work closely with you and OJJDP to accomplish these goals.

The CJJ Executive Board and our broad nationwide membership wish to thank you for your consideration of our thoughts and recommendations, and we look forward to hearing from you soon. Please feel free to contact CJJ’s Executive Director, Naomi Smoot, at 202-467-0864, ext. 113 or at [smoot@juvjustice.org](mailto:smoot@juvjustice.org).

<sup>i</sup> U.S.C. 42: Juvenile Justice and Delinquency Prevention Act §§221(a), 223(a) and § 501 et seq.

<sup>ii</sup> Small, S.A., Reynolds, A.J., O’Connor, C., & Cooney, S.M. (2005). *What Works, Wisconsin: What science tells us about cost-effective programs for juvenile delinquency prevention*. Madison, WI: University of Wisconsin–Madison

<sup>iii</sup> Forst, Martin, Jeffrey Fagan, and T. Scott Vivona. (1989) “Youth in Prisons and Training Schools: Perceptions and Consequences of the Treatment-Custody Dichotomy.” *Juvenile and Family Court Journal* 39:1.

<sup>iv</sup> When we use the term “state,” CJJ aims to be inclusive of all U.S. states, territories and the District of Columbia.

<sup>v</sup> The Committee on School Health, 2003. *Out of School Suspension and Expulsion*. *Pediatrics*: 112(5), 1206-1209.

<sup>vi</sup> DeRidder, Lawrence M. *How Suspension and Expulsion Contribute to Dropping Out*, The Education Digest, February 1991.

<sup>vii</sup> Martin, N., & Halperin, S. *Whatever It Takes: How Twelve Communities are Reconnecting Out-of-School Youth*. Washington, DC: American Youth Policy Forum, 2006





The Coalition for Juvenile Justice (CJJ) envisions a nation where fewer children are at risk of delinquency; and if they are at risk or involved with the justice system, they and their families receive every possible opportunity to live safe, healthy, and fulfilling lives. CJJ is a nationwide coalition of State Advisory Groups (SAGs) and allies dedicated to preventing children and youth from becoming involved in the courts and upholding the highest standards of care when youth are charged with wrongdoing and enter the justice system.

