

# Recommendations for President Barack Obama and Attorney General Eric Holder

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Coalition for Juvenile Justice – the Nation’s  
Juvenile Justice State Advisory Groups and  
Allies



## Letter from the CJJ Executive Board

**Dear President Barack Obama and Attorney General Eric Holder,**

The Executive Board and nationwide membership of the Coalition for Juvenile Justice (CJJ) wish to commend and thank you and your Administration on the recent appointment of Robert Listenbee, Jr., as the Administrator of the Office of Juvenile Justice Delinquency and Prevention (OJJDP). 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. We are pleased to state that Robert Listenbee, Jr., embodies all of the core criteria CJJ requested of you in an Administrator: a firm commitment to prevention and fair, effective interventions; firsthand knowledge of juvenile justice practice; willingness to embrace and support the statutory roles of the State Advisory Groups (SAGs); and desire and ability to foster cross-disciplinary and interagency collaborations, among other qualifications. As a longtime Pennsylvania SAG member and a leader in juvenile justice reform, we are pleased to see that your Administration has heard our call and chosen someone with a strong foundation in juvenile justice, and a track record consistent with our guiding principles and goals. We look forward to working collaboratively with Administrator Listenbee in the future.

We also want to take this opportunity to thank the Acting Administrators of OJJDP who have also served with you, both Jeff Slowikowski and Melodee Hanes. They both demonstrated superb leadership and we appreciate their willingness to actively engage with CJJ and our members across the country. We are also pleased to know that Mr. Slowikowski and Ms. Hanes will continue their fine work at OJJDP.

CJJ would also like to share our recommendations regarding a strong and focused federal role 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 continued leadership of 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 shooting in Newtown, Connecticut, and the regrettable daily violence experienced by vulnerable youth, families and communities. We, once again, thank the Administration for including CJJ's perspective in the critical meetings convened in response to the tragedy. The Newtown shooting and other recent shootings involving youth across the nation, 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 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 Delinquency Prevention Act (JJDP A) – long overdue for reauthorization – and other federal juvenile justice efforts that already 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,



Susan C. Kamp, M.S.  
National Chair



Alfred L. Martin, Jr., Ph.D.  
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Nancy Gannon Hornberger  
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## RECOMMENDATIONS FROM THE COALITION FOR JUVENILE JUSTICE (CJJ)

### 1. Capitalize on the Leadership that Robert Listenbee, Jr., Brings to OJJDP.

After more than five years without a permanent leader at the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Coalition for Juvenile Justice (CJJ) and our members nationwide are delighted with the Administration's appointment of Robert Listenbee, Jr. We are confident that Administrator Listenbee believes in the value and effectiveness of working in partnership with the states and the State Advisory Groups (SAGs) chartered under the Juvenile Justice Delinquency and Prevention Act (JJDP) and appointed by Governors in all U.S. states, territories and the District of Columbia. We see his role at OJJDP as a vital component of the Administration's commitment to protect youth and communities.

The nation will benefit from Administrator Listenbee's wealth of experience and his strong connections with the juvenile justice field. As a longtime member of the Pennsylvania SAG, Administrator Listenbee is uniquely familiar with the advances in the field, innovations and challenges, and the successes and difficulties

jurisdictions experience implementing the JJDPA. We are hopeful that the Administration will support to the fullest extent Administrator Listenbee's expertise and many connections to content experts and practitioners in the field.

We urge you to call upon Administrator Listenbee as the new leader of OJJDP. We ask that you work closely with him, and listen to his voice and recommendations. Permanent leadership at OJJDP gives the Administration a chance to make a significant difference in the lives of millions of youth and families and to advance critical federal policy as described herein.

## 2. 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 see it as 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 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. Where individual states are often limited by their own budget constraints, for example, OJJDP can help them leverage the federal funding streams available for delinquency prevention and juvenile justice reform to generate larger and sustainable investments of state and local resources.

When operating at an optimal level, 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 the years of this Administration, including:

- Research—particularly field-initiated research—has been supported and encouraged;
- The importance of addressing disproportionate minority contact (DMC) in the juvenile justice system 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 has been accessed to support the training and technical assistance functions at OJJDP.

While 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.

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

The JJDP A 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 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 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>1</sup>

While 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, a comprehensive approach is mandated in statute and provides the strongest possible approach.

Legislation (S.3155) to reauthorize the JJDPA was introduced by the Chairman of the Senate Judiciary Committee, Senator Patrick Leahy, with original co-sponsors Senators Specter and Kohl in 2008. That bill was amended and passed with strong bipartisan support in the Senate Judiciary Committee. The bill was reintroduced in 2009, (S. 678), co-sponsored by Senators Leahy, Kohl, Durbin, Franken, Collins and Snowe. S.678 was approved by the Senate Judiciary Committee in 2009. There has since, however, been no meaningful legislative action toward the JJDPA reauthorization.

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.

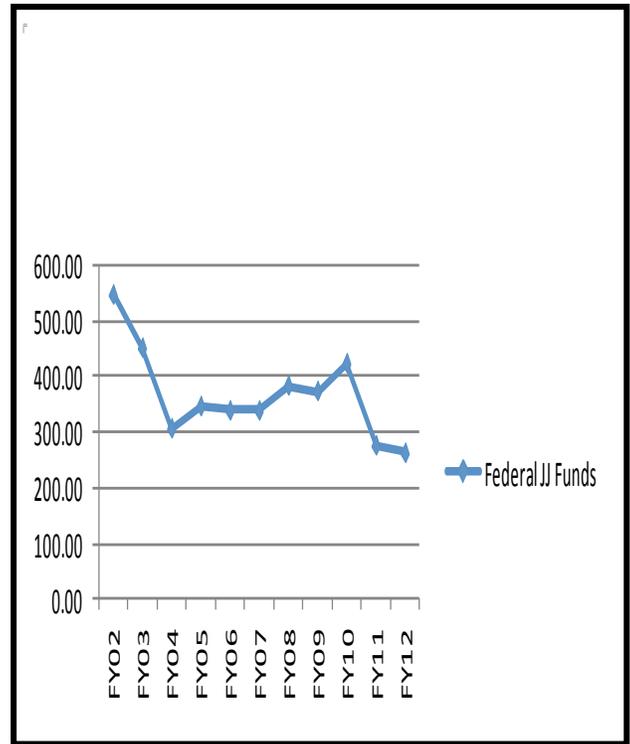
A special request from CJJ has to do with the need to enhance policy and practice reforms at the federal level by ensuring the they are well informed and supported by the states working in a formal manner with OJJDP. For nearly 20 years, CJJ worked under a cooperative agreement with OJJDP as a valued partner organizing and orchestrating the statutorily recognized “eligible representative organization of SAGs,” 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.

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

Research shows that prevention works. For every single dollar invested in community-based youth development and prevention efforts, we dramatically reduce delinquency and save taxpayers up to \$8 in future costs.<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> Yet, federal appropriations to states, localities and tribes for key federal juvenile justice programs have been cut dramatically in the last decade, as the chart depicts.

- 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 55%.
- The JJDPA 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 79%. Of the Title V funds appropriated over the last nine years between 53%-97% have been earmarked for non-JJDPA programs.
- 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 slashed by 88%.



A constructive federal-state partnership can only produce positive outcomes for our nation’s youth and 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 JJDPA Title II Program to support a reauthorized JJDPA and ensure state compliance with accepted standards of care and advancement of juvenile justice reforms;
- \$65 million for the JJDPA 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.

## 5. 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. In the 11<sup>th</sup> Congress, the Youth PROMISE Act received strong bipartisan support, garnering 233 co-sponsors in the House, and 16 co-sponsors in the Senate. It was

also re-introduced in the 112<sup>th</sup> Congress with the bill number H.R. 2721 and, again, received strong bi-partisan support.

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.

## 6. 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.

CJJ joins many others in applauding the efforts of this Administration to address the school-to-prison pipeline through projects like the Supportive School Discipline Initiative jointly spearheaded by the Departments of Education and Justice. Yet, clearly, much more work remains to be done. 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.

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 that 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 most need the assistance and supervision of 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’ experience—are those that rely on a mix of public-private partnership and support, 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 utilized in schools and educational settings, including elementary and pre-schools. Legislation introduced by Rep. George Miller, the Preventing Harmful Restraint and Seclusion in Schools Act, H.R.1381 (S.2020 introduced by Sen. Harkin) in the 112<sup>th</sup> Congress strikes an appropriate balance between the need to ensure a secure school environment for children and staff, and protecting students from harm and self-harm.

## Conclusion

Our continuing success depends in good part on you and OJJDP advocating for a strengthened, forward-thinking JJDPA; making the case for federal investments in JJDPA and JABG; enacting the Youth PROMISE Act; 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.

In closing, 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, Nancy Gannon Hornberger, at 202-467-0864, ext. 111 or [nancy@juvjustice.org](mailto:nancy@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.

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