

July 15, 2008



Children's Defense Fund

The Honorable Patrick J. Leahy  
Chairman, Committee on the Judiciary  
United States Senate  
433 Russell Senate Office Building  
Washington, DC 20510-4502

The Honorable Arlen Specter  
Ranking Member, Committee on the Judiciary  
United States Senate  
711 Hart Senate Office Building  
Washington, DC 20510-3802

Dear Chairman Leahy and Senator Specter:

On behalf of the Children's Defense Fund (CDF), I am writing to express our support for S. 3155, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008. CDF is strongly committed to advancing reforms of juvenile justice policy at the federal, state and local levels that ensure that children and youth get the integrated services necessary to put them on a sustained path to a successful adulthood. The Act promises to contribute to the goals of our recently launched Cradle to Prison Pipeline Campaign - a national call to action to stop the funneling of tens of thousands of youth, predominantly minority and poor children, down life paths that often lead to arrest, conviction, incarceration and, in some cases, death.

While we applaud the significant improvements that S. 3155 makes to the Juvenile Justice and Delinquency Prevention Act (JJDP), we respectfully request that the Committee on the Judiciary further strengthen key provisions of this bill. We need strong leadership from the federal government to signal that deplorable conditions of confinement will not be tolerated for any of our nation's youth. We thus would encourage adoption of clearer language in S. 3155 requiring elimination of dangerous practices, unreasonable restraints and isolation, and for states to ensure that facilities establish safe staffing levels and effective programming, in addition to effective behavior management, all essential elements to ensure safety of youth and reducing use of harmful practices. We also strongly urge favorable consideration of an amendment to the Act to ensure that programs funded by the incentive grants created by S. 3155 show evidence-based or promising outcomes of effectiveness. While S. 3155 does take a bold step towards the JJDP's goal of deinstitutionalizing status offenders (DSO), it would be further strengthened by an amendment to phase-out altogether the valid court order (VCO) exception of the DSO requirement. The VCO exception makes it permissible to incarcerate status offenders thereby making them vulnerable to victimization and at risk of developing delinquent behaviors. We must stop criminalizing our youth at younger and younger ages and protect status offenders from incarceration.

The important policy advancements in S. 3155 are a significant step towards dismantling the Cradle to Prison Pipeline and we fully support them. Each step that improves the lives of children, improves the lives of us all. We would sincerely appreciate this Committee's consideration of the earlier noted amendments that

25 E Street, NW  
Washington, DC 20001  
Tel: (202) 628-8787  
Fax: (202) 662-3510  
Email:  
cdfinfo@childrensdefense.org  
Internet:  
www.childrensdefense.org

would further strengthen this bill. In summary, we ask that you provide for stronger conditions of confinement language, improved incentive grants language, and a phase-out of the statutory authority to confine youth status offenders in juvenile facilities.

We welcome the opportunity to discuss any juvenile justice related issues or our *Cradle to Prison Pipeline Campaign* with you. Please feel free to contact CDF's Senior Policy Associate for Juvenile Justice, Lynn White, at (202) 662-3624 or at [lwhite@childrensdefense.org](mailto:lwhite@childrensdefense.org) if we can provide any assistance.

Sincerely yours,

A handwritten signature in black ink that reads "Karen Lashman". The signature is written in a cursive, flowing style.

Karen Lashman  
Vice President of Policy

cc: Senate Judiciary Committee Members

Senator Edward M. Kennedy

Senator Joseph R. Biden, Jr.

Senator Herb Kohl

Senator Dianne Feinstein

Senator Russell D. Feingold

Senator Charles E. Schumer

Senator Richard J. Durbin

Senator Benjamin L. Cardin

Senator Sheldon Whitehouse

Senator Orrin G. Hatch

Senator Charles E. Grassley

Senator Jon Kyl

Senator Jeff Sessions

Senator Lindsey Graham

Senator John Cornyn

Senator Sam Brownback

Senator Tom Coburn