



*A National Juvenile Justice Coalition of State and National Members*

August 9, 2019

Dear Presidential Candidate,

We all care about keeping our communities safe, ensuring the welfare of our children, and guaranteeing a fair and equitable justice system for all. This past year marked progress in reforming our juvenile justice and criminal justice systems with the long overdue reauthorization of the Juvenile Justice and Delinquency Prevention Act and the passage of the First Step Act. However, we still have a long way to go.

Despite the fact that there has been a sixty percent drop of youth in youth residential facilities since 2000, the United States ranks number one in the world in youth incarceration. Further, every state across the country continues to allow youth under the age of eighteen to be charged as adults and incarcerated in adult jails and prisons. And while youth arrest and incarceration rates have fallen, the same cannot be said of racial disparities. Black youth comprise less than 14 percent of all American youth under the age of 18, yet Black boys make up 43 percent of the male population in youth residential facilities, while Black girls comprise 34 percent of incarcerated girls. Black youth also make up 47.3% of the youth who are transferred to adult court by juvenile court judges. Native Americans, who represent less than 1 percent of the youth population, constitute 3 percent of all girls and 1.5 percent of all boys in youth detention facilities.

The American people need a coherent and compelling vision to transform our justice system in a way that promotes racial equity and fair treatment for all. To that end, on behalf of the [National Juvenile Justice and Delinquency Prevention Coalition](#) (NJJJPC), we are offering you “The Future for Youth Justice 2020: A Policy Platform for the 2020 Election,” as a roadmap for transforming our justice system in a way that increases public safety, achieves better outcomes for our children and families, and brings us closer to a legal system that is just and fair for all. The platform embraces policies and laws that will:

1. Reduce youth incarceration;
2. Remove youth from adult courts, jails, and prisons;
3. Invest in youth in their communities;
4. Center Federal youth justice policy on directly-impacted youth and their families;
5. Ensure fairness and equity for justice-involved youth;
6. Improve conditions of confinement for incarcerated youth;
7. Support youths’ successful re-entry from the justice system; and
8. Establish Youth Justice Action Month.

We believe that leaders must use their influence and position to acknowledge inequality and to inspire action. We invite you to read the attached vision for youth justice in 2020 and beyond, and to respond to us with your thoughts about how we can make sure that our country has a truly just system for holding youth accountable. We would, individually and collectively, be happy to sit down with you and your staff to discuss how we can actualize this vision through Federal and state practices and policies.

Sincerely,

Campaign for the Fair Sentencing of Youth  
Campaign for Youth Justice  
Center for Children's Law and Policy  
Coalition for Juvenile Justice  
Justice Policy Institute  
National Crittenton  
National Disability Rights Network  
National Juvenile Justice Network  
Rights4Girls  
The Sentencing Project  
Strategies for Youth, Inc.  
Youth First Initiative

\*\*\*

If you have questions, please feel free to contact any member of the NJJDPC Steering Committee, whose contact information can be found here:

<https://www.promotesafecommunities.org/steeringcommittee>

# THE FUTURE OF YOUTH JUSTICE 2020

## *A Policy Platform for the 2020 Election*

Since its inception in 1899, the juvenile court's mission was designed to support the perspective that a "child's need and not the deed" should govern court decisions. This focus on rehabilitation, to the extent that it was embraced beyond the original visionaries, was a welcome alternative to the punishment young people would face in the adult system. Despite its hopeful beginnings, almost immediately the juvenile court system raised questions about social control, bringing poor youth, youth with disabilities, and immigrant youth under supervision of the state, and under the care of "respectable" adults. While the juvenile court system remains arguably less harsh, to this day it is a relatively close replication of its adult counterpart.

At the base of our juvenile justice systems' problems is the disparate treatment of youth of color who, although they have the same rates of delinquent behavior as white youth, are punished more severely than their white counterparts at each step of the way. This unfair treatment of youth of color is a foundational problem in both our juvenile and criminal justice systems and is a reflection of the endemic structural racism and implicit bias that permeates our society.

A growing body of knowledge makes the case that harsh, punitive policies do not work, either for kids or public safety. This has led [states](#) to undertake reforms in the last decade to reduce youth incarceration by more than fifty percent and remove youth from adult courts, jails, and prisons. The number of youth arrests now accounts for only 9 percent of the nation's crime and has [declined](#) nearly 59 percent between 2008 and 2018. These numbers will hopefully continue to decline with the reauthorization of the [Juvenile Justice and Delinquency Prevention Act](#) (JJDP), which sets forth federal standards to ensure a minimum level of safety and equitable treatment for justice-involved youth.

While there has been great progress in the last decade, not all youth have benefited equally from these reforms, and states still devote the largest share of their juvenile justice resources to incarcerating youth at an [estimated](#) \$5 billion per year. According to a national poll by [GBA Strategies](#), the American public supports a shift away from incarceration and towards serving youth in their communities. With strong federal leadership, the pace of reforms and a strong vision for youth justice can be accelerated.

**1. Reduce youth incarceration.** States spend tens of thousands of dollars every year to lock up a single young person – and it doesn't work. By investing in better solutions, taxpayers save millions while communities grow stronger and safer. The federal government can reduce youth incarceration by:

- Supporting state efforts to abolish youth prisons and replace them with community-based, accessible, gender and culturally responsive, trauma-informed, and developmentally appropriate programs by investing in a new \$100 million federal competitive grant program for states and localities to close youth prisons and repurpose them for non-correctional purposes; supporting correctional staff impacted by the closure; helping communities impacted by closure on new economic development plans; and supporting communities in expanding youth-serving programs and services.

- Incentivizing states to remove youth with status offenses from youth detention by removing the Valid Court Order (VCO) exception to the [Deinstitutionalization of Status Offenders](#) (DSO) provision of the JJDPA.
- Eliminating the construction of jails and prisons as opportunities for rural development funded by U.S. Department of Agriculture bonds through the [Community Facilities Direct Loan and Grant Program](#), which dates back to the Rural Development Act of 1972.
- Examining the impact of moving the Office of Juvenile Justice and Delinquency Prevention to the Administration for Children and Family Services Division of the Department of Health and Human Services.

**2. Remove youth from adult courts, jails, prisons.** Prosecuting youth in adult court substantially increases the likelihood that youth will re-offend, and youth placed in adult jails and prisons are at the highest risk of harm and abuse. The federal government can remove youth from the adult criminal justice system by:

- Fully funding the JJDPA to ensure that every state has resources to implement the updated requirements of the Act, particularly the provisions to remove youth from adult jails.
- Prioritizing and incentivizing states and localities to fully implement the [Prison Rape Elimination Act's \(PREA\) Youthful Inmate Standard](#) to completely remove all youth from adult jails and adult prisons.
- Supporting states to raise the age of juvenile court jurisdiction through grant support, technical assistance, and federal guidance.
- Investing and supporting youth courts and diversion programs through grants and technical assistance.
- Eliminating life without the possibility of parole or release and de facto life sentences for youth through the use of a judicial review process.
- Eliminating mandatory and discretionary transfer laws to the adult criminal justice system for youth at the federal level and supporting states to do the same through grant support, technical assistance, and federal guidance.

**3. Invest in youth in their communities.** Reducing youth incarceration is the first step in the right direction, but we also need to invest in communities so we can begin addressing the underlying issues in young people's lives. The federal government can invest in youth in their communities by:

- Supporting full funding and implementation of Title V Incentive Grants for Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education (Youth PROMISE) of the JJDPA.
- Directing the [Federal Coordinating Council on Juvenile Justice](#) to expand technical assistance to localities to maximize existing federal funding opportunities to create and expand a continuum of care for youth in their communities, such as the [Every Student](#)

[Succeeds Act](#), the [Families First Prevention Services Act](#), the [Workforce Innovation & Opportunity Act](#), the [Victims of Crime Act](#), the [Affordable Care Act \(Medicaid Expansion\)](#), and the [Community Development Block Grant program](#).

- Supporting state efforts to invest in cost effective, community-based alternatives to incarceration, such as restorative justice practices.
- Ensuring directly impacted youths' access to federally funded youth-serving programs (e.g. mentoring, after-school, community service, youth employment, and housing) by removing barriers to participation (e.g. juvenile or criminal records, participation fees, probation/electronic surveillance, non-accessible settings, etc.).
- Supporting legislation that requires law enforcement training at the academy level as well as continued training that requires developmentally appropriate, trauma-informed, racially equitable policies and practices for interacting with youth.
- Promoting strong partnerships between law enforcement and youth-serving community-based organizations to be used as alternatives to arrest and detention to keep youth with low-level offenses out of the justice system.
- Ensuring performance measures across federal programs and grants are intentional about driving successful outcomes for youth with multiple barriers.

**4. Center federal youth justice policy on directly-impacted youth and their families.** An effective continuum of care puts communities at the center of the process so that the people closest to a youth can drive the outcomes. The federal government can support an effective continuum of care by:

- Establishing a federal youth advisory committee to the U.S. Department of Justice comprised of directly impacted youth representing all regions of the country to advise federal agencies on all aspects of youth justice policy and programs.
- Appointing at least two directly impacted youth and two directly impacted family members to the Federal Coordinating Council on Juvenile Justice.
- Partnering with philanthropic foundations to create a new two-year youth fellowship program for a minimum of five directly impacted youth to work at federal agencies and with Congressional committees to advise on all youth policy and programmatic areas.
- Establishing an independent National Technical Assistance Center on Family Engagement to provide support to state and local justice and child-serving agencies interested in starting or expanding family engagement programs.
- Creating incentives for Statewide Family Engagement Centers (SFECs) to integrate support services for families involved in the justice system.
- Initiating a "[Families of Incarcerated Children](#)" program in the Children's Bureau of the Administration of Children and Families at the U.S. Department of Health and Human Services to provide information on parent resources, peer-to-peer supports for families, and best practices on supporting families. This should include promoting best practices for law enforcement on treatment of children during parental arrest.

**5. Ensure fairness and equity for justice-involved youth.** While youth incarceration has decreased, not all youth benefited equally from reforms. The federal government can help create a fair and equitable system by:

- Ensuring strong implementation of the updates to the Racial and Ethnic Disparities (RED) core protection in the JJDP.
- Increasing funding for Tribal juvenile justice systems with a focus on culturally competent, trauma responsive, community-based alternatives to incarceration.
- Ensuring fairness and equity for LGBTQ youth, youth with disabilities, and cross-over youth (those young people who have been involved in the child welfare system and have crossed over into the justice system) by promoting non-discrimination, accessible services, and cultural competence in community-based alternatives to incarceration.
- Addressing the specific needs of justice-involved girls by providing specific, targeted support for local and state efforts to implement best practices with respect to at-risk and system involved girls.
- Increasing trauma-informed/trauma-responsive approaches in recognition of the role trauma plays in the lives of youth who are part of racial and ethnic groups that do not enjoy the same level of privilege and protection.
- Ensuring fair and adequate representation of system-involved youth by providing best practices and technical assistance for states regarding the legal representation of youth.
- Fully funding the Civil Rights Division of the U.S. Department of Justice and the Department of Education so they can respond to allegations of mistreatment, abuse, and exclusion of youth based on race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, and disability.
- Eliminating federal support for policies and practices that contribute to the school-to-prison pipeline, including federal funding for school resource officers and school hardening measures.
- Enacting federal legislation, such as the [End Debtors' Prisons for Kids Act](#), which would incentivize the elimination of juvenile fines and fees and provide technical assistance and best practices to localities, so that localities can eliminate fees to families for detaining or incarcerating their children in the justice system, as well as fees and fines across the justice system.
- Enacting federal legislation to amend the Prison Litigation Reform Act to exempt all youth under the age of 21 from the statute's requirements to ensure youth have access to the courts and are properly protected from abuse in institutions.
- Protecting immigrant youth by ensuring that all immigrant youth are placed with families and not in detention while pending immigration hearings; clarifying that federal law does not require citizenship data sharing between state and local law enforcement and federal immigration authorities; incentivizing states not to use gang databases; supporting and investing in outreach programs, and community and family support services to help

immigrant youth deal with trauma, family reunification, and social stressors to ensure they feel connected to their new communities; and prohibiting juvenile adjudications as bars to citizenship or other legal status.

**6. Improve conditions of confinement for incarcerated youth.** To address the [recent](#) and [well-documented abuses](#) in juvenile and adult facilities nationwide, including the use of dangerous practices such as restraints and seclusion, facility staff needs to be trained on trauma-informed, effective behavior-management techniques to respond to dangerous or threatening situations. The federal government can help ensure the safety of justice-involved youth by:

- Disallowing the use of federal funds for the most dangerous practices, which create an unreasonable risk of physical injury, pain, or psychological harm to youth, such as solitary confinement.
- Allowing states to use JJDPAs funds to develop independent monitoring bodies (e.g., creating ombudsmen programs, developing community monitoring panels, or partnering with protection and advocacy organizations) and other programs to improve conditions of confinement, including reducing unnecessary isolation and use of restraints.

**7. Support youths' re-entry from the justice system.** For youth to transition out of the justice system and to become successful adults, they need a broad range of supports. The federal government can support successful re-entry by:

- Increasing protections for youths' court records by enacting legislation to incentivize states to seal and expunge juvenile records, establishing standards for record accuracy, and providing technical assistance to states and localities on best practices for sealing and expungement.
- Increasing collaboration between the U.S. Department of Justice and the U.S. Department of Labor in federal workforce and employment programs to prioritize justice system-involved youths' participation through the Opportunity Youth initiatives.
- Enacting legislation to restore Pell Grant eligibility for incarcerated youth, such as the [Restoring Education and Learning \(REAL\) Act](#), and enhancing collaboration between the U.S. Department of Justice and the U.S. Department of Education on ensuring justice system-involved youth can access Pell Grants for post-secondary education and training.
- Increasing funding for the Second Chance Act and the JJDPAs to support youth re-entry.
- Requiring states to provide court-involved youth with state-issued identification, proper documentation for work, and encouraging voter registration.
- Increasing funding for the Reintegration Ex-Offenders (RExO) Program at the U.S. Department of Labor in order to support programmatic designs grounded in trauma-informed care, youth engagement, and flexibility to allow more tiered entry and exit points for youth.
- Enacting legislation to keep youth off sex offender registries.

- Identifying the specific re-entry needs of youth who are parents and their children.

**8. Establish Youth Justice Action Month.** People around the country participate in Youth Justice Action Month in October to increase public awareness of the issues facing youth transferred to the adult criminal justice system and to provide people across the country with an opportunity to develop action-oriented events in their communities. The federal government should support this endeavor by:

- Issuing a presidential proclamation declaring October to be Youth Justice Action Month.
- Urging all federal agencies to take action in the month of October to lift up opportunities within the agencies to support justice-involved youth.
- Encouraging businesses, local programs, nonprofit and public sector organizations to support Youth Justice Action Month.



## **Data Sources & Statistics:**

### **Federal Juvenile Delinquency Statistics**

FBI Arrest Statistics: <http://ojjdp.gov/ojstatbb/ezaucr/>

### **Youth in Juvenile Court/The Juvenile Justice System**

Easy access to juvenile court stats: <http://ojjdp.gov/ojstatbb/ezaics/>

### **Youth in Juvenile Correctional Facilities**

Easy access to census of juveniles in residential placement:

<http://www.ojjdp.gov/ojstatbb/ezacirp/>

### **Youth in Adult Jails and Prisons**

BJS annual survey of jails: <http://www.bjs.gov/index.cfm?ty=dcdetail&iid=261>

BJS annual survey of prisons: <http://www.bjs.gov/index.cfm?ty=dcdetail&iid=269>

### **Juvenile Justice, Geography, Policy & Statistics**

<http://www.jjgps.org/>

### **State Juvenile Justice Laws**

<http://www.ncsl.org/research/civil-and-criminal-justice/ncsls-juvenile-justice-bill-tracking-database.aspx>

Prepared by the National Juvenile Justice and Delinquency Prevention Coalition

For more information, visit: <https://www.promotesafecommunities.org/>