



April 21, 2017

**Re: ACLU Urges Passage of the Juvenile Justice Reform Act of 2017
(H.R. 1809)**

Dear Representative:

On behalf of the American Civil Liberties Union (ACLU), we urge you to support the bipartisan Juvenile Justice Reform Act of 2017 (H.R. 1809), a bill that reauthorizes the Juvenile Justice and Delinquency Prevention Act (JJDP). Now ten years overdue for reauthorization, the JJDP provides a national standard for state and locally run juvenile justice systems, helping to ensure that young people are treated fairly and housed safely throughout all 50 states.

H.R. 1809 provides much needed protections and support for more than 50,000 kids who are currently living away from their families while being held in juvenile detention facilities, corrections facilities, group homes, or shelters. This bill builds upon the core protections established in the JJDP, further strengthening them by:

- **Extending protections that limit youth contact with adult offenders.** Regardless of the offense they have committed, children should not be kept in adult jails and prisons. In order to ensure the health and safety of our young people, H.R. 1809 extends JJDP core protections to keep youth awaiting trial in adult criminal courts out of adult lock-ups and ensure sight and sound separation in the limited circumstances where they are held in adult facilities.
- **Eliminating the Valid Court Order (VCO) exception.** The JJDP prevents judges from incarcerating youth for committing status offenses – behaviors that would not be a crime if committed by an adult, such as skipping school, running away from home, or violating curfew laws. However, in 1980 the Valid Court Order (VCO) exception was added to the JJDP, which allowed judges to place status offenders in locked detention if they were to violate a court order. Since then, studies have shown that securely detaining status offenders is both harmful to youth development and costly, especially when compared to more effective community-based alternatives.¹ Based on this evidence, H.R. 1809 requires states to phase-out the use of the VCO exception by 2020, allowing for states in need of additional time to phase out VCO's to apply for one-year hardship extensions.

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¹ Dev. Services Group, Inc., OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, *Alternatives to Detention and Confinement* (2014), <http://www.ojjdp.gov/mpg/litreviews/AlternativesToDetentionandConfinement.pdf>.

- **Reducing Racial and Ethnic Disparities.** Government data shows that youth of color are over-represented at all stages in the juvenile justice system, facing higher arrest and detention rates than their white peers.² H.R. 1809 helps support states and localities as they gather information, analyze the reasons for these disparities, and implement measurable goals to help address problematic practices that result in unequal treatment under the law.

In these ways, the Juvenile Justice Reform Act embraces the rehabilitative purpose of the juvenile justice system and promotes evidence-based practices that result in improved outcomes for children. In addition, H.R. 1809 includes the following provisions, which the ACLU believes are crucial to improving equity, safety, and youth success in the juvenile justice system. The legislation would:

- promote a holistic approach to justice through youth opportunity incentive grants that encourage prevention and a comprehensive continuum of care;
- support state efforts to expand youth access to counsel;
- support evidence-based, trauma-informed practices that address the impact of adversity on adolescent behavior and development;
- recognize the specific needs of vulnerable populations such as trafficked youth and Tribal youth;
- encourage increased family involvement in design and delivery of treatment and services;
- increase safety in confinement by promoting best practices and standards, including eliminating the use of restraints on pregnant girls; and
- promote successful rehabilitation by creating an easier transfer of education credits for re-entering youth and encouraging programs that allow youth to seal or expunge juvenile records once they have left the juvenile justice system.

The juvenile justice system's goal is not to punish and incarcerate children, but to provide young people, many of whom are struggling and at-risk, with a road map to becoming productive members of society. For these reasons, the ACLU urges you to support the Juvenile Justice Reform Act of 2017 and encourages you to join your colleagues in co-sponsoring the bill.

Thank you for your time and consideration. If you have any question, please feel free to contact Jennifer Bellamy (202) 715-0828 or at jbellamy@aclu.org.

Sincerely,



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² Charles Puzzanchera & Sarah Hockenberry, NAT'L CTR. FOR JUVENILE JUSTICE FOR THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, *National Disproportionate Minority Contact Databook* (2013), <http://www.ojjdp.gov/ojstatbb/dmcbd/>.