

NATIONAL
DISABILITY RIGHTS
NETWORK



Protection & Advocacy for Individuals with Disabilities

May 7, 2013

The Honorable Frank R. Wolf
Chair
Commerce, Justice, Science, and Related Agencies Subcommittee
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

The Honorable Chaka Fattah
Ranking Member
Commerce, Justice, Science, and Related Agencies Subcommittee
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

Dear Chairman Wolf and Ranking Member Fattah:

On behalf of the National Disability Rights Network, the nonprofit membership organization for the federally mandated Protection and Advocacy Systems (P&A) and Client Assistance Programs (CAP) for people with disabilities, I am writing to ask you to include adequate funding for critical juvenile justice programs in the Fiscal Year 2014 Commerce, Justice, Science (CJS) Appropriations bill.

The P&As and CAPs were established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education. P&As and CAPs are in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the US Virgin Islands), and there is a P&A affiliated with the Native American Consortium which includes the Hopi, Navaho and Piute Nations in the Four Corner region of the Southwest. Collectively, the P&A/CAP Network is the largest provider of legally based advocacy services to people with disabilities in the United States.

The National Disability Rights Network (NDRN) believes funds for the Juvenile Justice and Delinquency Prevention Act (JJDP) Title II and Title V programs, as well as for the Juvenile Accountability Block Grant (JABG) are critical for youth with disabilities who are, or will come in contact with, the juvenile justice system. Funding these programs saves money in the long run, as these programs help reduce crime and prevent youth from entering the more costly justice system. Our interest in this topic comes from the fact that youth with disabilities are disproportionately represented in the juvenile justice system, where they too often become the victims of abuse and neglect and rarely

receive the supports and services necessary to stay on a path toward further education and a successful career. Our members in the P&A/CAP network advocate for hundreds of youth every year and have seen how additional funding for supports and services can make the difference between a life-time of institutionalization and a successful life in the community.

Following are examples of the need for JJDPA and JABG federally-funded juvenile justice programs to help ensure appropriate services for youth with disabilities in the juvenile justice system:

- The Alabama Disability Advocacy Program (ADAP) represented a 13-year-old boy with multiple disabilities who had challenging behaviors due to his disability to allow him to remain in school. Because ADAP was able to show that the client's behavior was related to his disability, and because JJDPA funding provided services that addressed his behavioral issues, the boy was kept out of juvenile detention and provided an appropriate Individualized Education Plan (IEP), and the delinquency charges were dropped.
- The Rhode Island Disability Law Center (RIDLC) represented a student who was unable to make it to school due to significant physical disabilities. Her school charged her with truancy and refused to provide her with additional services. Due to JJDPA-funded diversion services, and with the RIDLC's advocacy, the court ordered the girl to receive tutoring and related services at home. She continues to progress in her education and her family hopes that she will return to her neighborhood school soon.
- Michigan Protection & Advocacy Services (MPAS) represented youth challenging their incarceration in adult prison facilities. The settlement with the state contains comprehensive reforms to the treatment of youth, including medical care and mental health care. MPAS continues to work with Michigan state agencies to ensure that the state uses JJDPA and JABG funds to divert youth from institutional settings whenever possible and place these youth on a path to success.

While we recognize the challenges that come with discretionary spending caps and sequestration, we also know how essential the federal investments in state juvenile justice efforts are for youth and community safety. In order to ensure that state, local and private dollars continue to be leveraged effectively to promote public safety, prevent delinquency and protect some of our most vulnerable children and youth, we ask that you include the following funding levels as follows:

- **\$80 million for the JJDPA Title II State Formula Grants Program.**
For more than 35 years the Juvenile Justice and Delinquency Prevention Act has provided critical federal funding to states to promote the prevention of delinquency and assist them to comply with federally-mandated core requirements designed to protect children from the dangers of placement in adult jails and lockups; keep status offenders/non-delinquent children out of locked custody; and address the

disproportionate representation of youth of color in the justice system. Title II of JJDPA supports state compliance with these core protections and helps states to build effective prevention and intervention systems. While our request represents a \$10 million increase over the President's proposal, such a level would be in line with the true minimum costs of the Title II mandates and make up for deep cuts in funding to the states.

- **\$65 million for the JJDPA Title V Delinquency Prevention Program with no earmarks.** Title V is the only federal program that provides delinquency prevention funding at the local level to reach youth at risk and help keep them out of the juvenile justice system. Despite the fact that Title V has been used to bring together law enforcement with other stakeholders at the local level for sustainable prevention efforts, in recent years it has been gutted and the funds allocated for other than the law's purposes. This request is \$9 million more than the President's request and, without any earmarks or set-asides, would represent a significant federal investment in proven, locally-based delinquency prevention programs. Taxpayers save \$2 million for each child who is prevented from beginning a life of crime.

We also support the President's recommendation to provide \$20 million to help communities reduce the use of arrest and engagement with the juvenile courts that unnecessarily push more young people into the justice system. However, we believe this investment should not detract from the resources available to local communities through the Title V program, and ask that these dollars be appropriated separately.

- **\$30 million for Juvenile Accountability Block Grant Program.** JABG is used by states and localities to reduce juvenile offending by providing judges and other juvenile justice officials with a range of age/developmentally-appropriate options to both hold youth accountable and get them back on track so they are less likely to reoffend. These funds are used to effectively strengthen juvenile court services, such as behavioral health screening and assessment for court-involved youth and alternatives to detention. This request is consistent with the President's proposal and just slightly less than the final FY 2013 allocation.
- **\$20 million for Juvenile Justice Realignment Incentive Grants.** As a complement to JABG, we commend the Administration for putting forward a new initiative, the Juvenile Justice Realignment Incentive Grants, to help states invest in evidence-based strategies that reduce youth incarceration and recidivism and promote public safety and better outcomes for youth.
- **\$2 million grant program for people with disabilities in the juvenile justice system.** We support this targeted investment in a competitive grant program to help better address the needs of people with disabilities in the juvenile justice system. Children with disabilities are disproportionately represented in the juvenile justice system and require a wide range of services, including education, health care, and other

supports to allow them to live and become productive members in the community. This funding will help provide support for efforts with respect to people with disabilities in contact with the juvenile justice system.

- **\$2 million grant program for girls in the juvenile justice system.**

We support this targeted investment in a competitive grant program to help states and localities better address the needs of girls in the juvenile justice system. Girls are the fastest growing segment of the juvenile justice population and this program will help provide specific, targeted support for state efforts to implement best practices with respect to at-risk and system-involved girls.

Finally, in view of the tragedy in Newtown and the daily violence that plagues many communities, we are also supportive of the new monies allocated for community-based violence prevention using a multi-sector, public health approach.

While we encourage you to invest in these key programs at these recommended levels, we also ask that, at a minimum, you work to restore some of the critical funding that has been lost over the last decade and include some new investment as recommended by the President and Administration in the FY 2014 budget proposal. Any less would move even further away from the targeted federal involvement that has historically provided critical national leadership to states in preventing youth from entering the justice system.

Thank you for your time and attention.

Sincerely,



Curtis L. Decker
Executive Director