

Remarks of Ranking Member Bobby Scott
Committee on Education and the Workforce
Full Committee Markup of H.R. 5963, The Supporting Youth Opportunity and Preventing
Delinquency Act
Wednesday, September 14, 2016
2175 Rayburn House Office Building

Remarks as prepared

Thank you Chairman Kline, and thank you to Representatives Curbelo, Davis, Carter and Wilson, for all your work to bring forward this bipartisan and comprehensive reauthorization.

Juvenile courts were established by states in the first half of the 20th Century on the emerging legal theory that children should not be held fully responsible for their actions, a theory borne out over time by scientific research into impulse control and brain development. The capacity to rehabilitate children became the focus of the system rather than the punishment of offenders. Over time this focus on prevention decreased and in many states juvenile facilities essentially became jails for young people – not the institutions for rehabilitation and intervention they should be. Recognizing a national need to protect children, Congress first articulated national standards of juvenile justice in the Juvenile Justice and Delinquency Prevention Act of 1974, or JJDP. Long overdue for reauthorization, JJDP creates the federal guardrails that protect our children in the juvenile justice systems in each state. In the 14 years since Congress last reauthorized the program, there have been advancements in research and an expansion of evidence when it comes to the prevention of youth incarceration and delinquency.

The bill we will consider today includes necessary improvements to federal policy firmly grounded in facts, proving that public investments in a continuum of trauma-informed care and alternatives to incarceration and secure detention produce positive results for at-risk youth. Those results in turn lead to reduced crime and long-term savings.

H.R. 5963 requires, for the first time, state juvenile justice plans to take into account the latest scientific research on adolescent development and behavior, recognizing the importance of prevention and early intervention in juvenile crime policy. We shouldn't have to legislate this, but we have often seen that slogans and soundbites have dictated our nation's approach to crime policy – even juvenile crime. These slogans and soundbites often do nothing to decrease crime, and in fact, when studied, have been shown to actually increase crime.

Today's markup is an important step in the growing bipartisan movement for real justice reform. I am particularly pleased with updates to the four core mandates that:

- Improve the 'Jail Removal' core protection by simplifying the definition of "contact" with adult inmates to prevent juveniles from being held in the same facilities as adult inmates;

- Expand the ‘Sight and Sound separation’ core protection by phasing in sight and sound separation for youth under the age of 18 being held pretrial on adult criminal court charges;
- Strengthen the ‘Deinstitutionalization of Status Offenders’ (DSO) core protection by phasing out the valid court order (VCO exception); and
- Strengthen the ‘Disproportionate Minority Contact’ (DMC) core protection to require states to report data on decision points in the juvenile justice system and identify systemic disparities.

H.R. 5963 also encourages states to consider promising practices such as programming to ensure youth access to public defenders with juvenile court experience, the use of ‘problem-solving courts’ as an alternative to probation and confinement, efforts to inform and aid juveniles in the process of sealing and expunging their juvenile records, and programming to address the needs of girls in or at risk of entering the system when developing state plans.

Additionally, the bill retools the current law Title V Local Delinquency Prevention Grant program, retitled as the Youth Promise Incentive Grants for Local Delinquency Prevention Program to support communities in the planning and implementation of evidence-based prevention and intervention programs specifically designed to reduce juvenile and delinquency and gang involvement. Grant recipients would be required to analyze the unmet delinquency prevention needs of youth in the community, then develop and implement a comprehensive strategy to address those unmet needs with an emphasis on program coordination. Research shows that community-wide, coordinated approach to delinquency prevention that utilizes a continuum of services can actually save the community money and improve efficacies.

And as a point of personal privilege, I’d like to especially thank my colleagues for working with me on the Title V provisions, which are modeled after a bill I’ve been working on since I first came to Congress – The Youth P.R.O.M.I.S.E. Act. I am confident that, if enacted, this incentive grant program will vastly improve the lives of – and long-term economic opportunity for – at-risk youth across the country.

A central mission of my career in public service has been to dismantle the school-to-prison pipeline. While in the Virginia legislature, the House Judiciary Committee, and now as Ranking Member of the Committee on Education and the Workforce, I have worked to elevate issues of juvenile justice and delinquency prevention and the integration of those efforts with educational and workforce systems.

Last December’s enactment of the Every Student Succeeds Act included key reforms to K12 education programs designed to improve academic and life outcomes for at-risk youth. Last week, the Obama administration released new guidance to assist states and school districts to curtail inappropriate actions of school resource officers who intervene in matters of disciplinary matters that should be left to school personnel. And today, lawmakers are working across the aisle to pass delinquency prevention legislation that is ‘smart,’ not ‘tough’ on juvenile crime. While we still have a long way to go, I am proud of the steps we, as a nation, are taking to end the school-to-prison-pipeline.

In closing, I want to say that today's committee action – and the collaborative work of this committee – gives me hope that we can get a full JJDPa reauthorization over the finish line this year. The Senate Judiciary Committee has marked up and passed its version of JJDPa, and I know Senators Grassley and Whitehouse are working hard to get their bill out of their chamber. I am optimistic that today's strong bipartisan support for a bill that builds on the knowledge and experience of the past 14 years spurs further action – and makes its way to the President's desk for a signature.

Thank you, and I yield back.