A ray of hope for criminal justice reform?

by Christina Delgado | Aug 10, 2017, 3:46 PM

The bipartisan movement toward criminal justice reform that seemed to be gaining ground in 2016 is, unfortunately, having a tougher time this congressional session. But there is one ray of hope amid the gridlock. The Senate moved Aug. 1 to pass S. 860, signaling a possible resolution to the 10-year battle to reauthorize the Juvenile Justice and Delinquency Prevention Act.
Last updated in 2002 and allowed to lapse in 2007, the JJDPA, when it initially was passed in 1974, set up basic federal standards for the treatment of juvenile offenders. Efforts to reauthorize the legislation have failed repeatedly this past decade, stripping states of essential federal support that otherwise would go toward improving their respective juvenile justice programs.

The last two attempts to reauthorize JJDPA came very close to success, but each was hung up in the Senate. Last year, Sen. Tom Cotton, R-Ark., single-handedly placed a hold on the bill to express his objection to its phasing out the original law’s "valid court order" exception. VCOs allow state and local systems to detain youth for committing "status offenses" such as running away from home, truancy and curfew violations – acts that are illegal only when committed by a minor. From its outset, the JJDPA prohibited incarceration of status offenders, with the VCO exception (introduced in 1984) intended for rare and occasional exceptions to the rule.

While Cotton opposed the VCO provision in last year's bill, Sen. Rand Paul, R-Ky., threatened a hold on any bill that did not include the phase-out. Ultimately at an impasse, last year's negotiations ran out of time.

With passage of differing versions of the legislation in both the House and Senate this year, the current iterations of JJDPA reauthorization stand poised to bring overwhelmingly positive results and, in many cases, to save lives.

Due primarily to reform in the states, crimes committed by minors have steadily declined. Between 2005 to 2014, the number of youth arrested nationally dropped by approximately 51.2 percent. In Ohio, reforms passed in 2010 produced a 53 percent drop in commitments between 2010 and 2013, demonstrating that effective, evidence-based reforms can have a dramatic impact on the system.
A devastating but important example of the damaging effects our current system has on children is the story of Kalief Browder.

Kalief was arrested in May 2010, at the age of 16, for allegedly stealing a backpack and sent to Rikers Island to await trial because his family was unable to raise his $10,000 bail. Although the charges against Kalief were dismissed, he spent three years in the notoriously brutal penitentiary, including nearly two full years in solitary confinement. Kalief struggled with depression following his release from prison, and the effects of his stay at Rikers no doubt contributed to his suicide at the age of 22.

Sens. Rand Paul, R-Ky., and Kamala Harris, D-Calif., highlighted Kalief’s story in July when they introduced the Pretrial Integrity and Safety Act, which proposes reforms to the nation's criminal bail system. Experiences similar to Kalief’s can have lifelong, detrimental effects that affect juveniles more extensively than adults. The JJDPA addresses these issues, for example, by prohibiting extensive isolation and restraints.

In late May, the House passed its companion JJDPA reauthorization bill, H.R. 1809, the Juvenile Justice Reform Act. Leaders in the House released a statement shortly after news of S. 860’s passage, expressing their commitment to craft a final reauthorization bill alongside their Senate colleagues.

It’s now up to the House and Senate to consolidate both bills, possibly through conference committee, and reach an agreement that can pass both chambers of Congress.

Christina Delgado is a contributor to the Washington Examiner's Beltway Confidential blog. She is a justice policy manager for the R Street Institute.
A ray of hope for criminal justice reform?

If you would like to write an op-ed for the Washington Examiner, please read our guidelines on submissions here.

Blog Contributors Kamala Harris Criminal Justice Reform
Juvenile Justice Law Tom Cotton Rand Paul
House of Representatives Senate Crime Congress Opinion
Beltway Confidential

Share with friends.

Comment On This Article

More Washington Examiner

48 MINUTES AGO
Corporate America's exodus from Trump may have just begun

3 HOURS AGO
Trump slams Lindsey
Graham's 'disgusting lie' about his Charlottesville statement

8 HOURS AGO

Sen. Orrin Hatch:
Trump 'doesn't have a racist bone in his body', has 'done a lot' to fight racism

10 HOURS AGO

Virginia Gov. Terry McAuliffe calls for Confederate monuments to be removed in the state

14 HOURS AGO

Phoenix Mayor Greg Stanton disappointed
Trump plans to hold campaign rally in his city

Steve Bannon: 'Economic war with China is everything'

Richmond Mayor Levar Stoney says city's Confederate monuments 'need to be removed,' orders review

VA secretary: Trump was 'upset,' 'outraged' at deadly Charlottesville
violence

17 HOURS AGO

Deciphering al Qaeda's new rant:
Gays are grotesque and trains are targets

17 HOURS AGO

Top investigator exits Robert Mueller's special counsel team

18 HOURS AGO

During the total eclipse of the sun, the solar industry will go dark. It should stay that way
White House will make Obamacare payments in August, no promises in September

Doctors criticize Express Scripts for plan to limit opioids

Counter-protesters hope to block alt-right and free speech groups' events
A ray of hope for criminal justice reform?

19 HOURS AGO

Trump should speak to a professional about his stress

20 HOURS AGO

Mike Pence ending South America trip a day early to return to US
A ray of hope for criminal justice reform?