

July 13, 2005

The Honorable Arlen Specter  
Chairman, Judiciary Committee  
U.S. Senate  
Washington, DC 20510

The Honorable Patrick Leahy  
Ranking Member, Judiciary Committee  
U.S. Senate  
Washington, DC 20510

Dear Chairman Specter and Senator Leahy:

Thank you for your efforts to decrease gang-related violence among juveniles. Although we appreciate the legislative intent of S.155, the "*Gang Prevention and Effective Deterrence Act of 2005*," we believe that the legislation could be further strengthened by including additional provisions for gang prevention and intervention activities and for juveniles with addiction and substance abuse histories. The Legal Action Center is the only nonprofit law and policy organization in the United States whose sole mission is to fight discrimination against people with histories of addiction, HIV/AIDS, or criminal records, and to advocate for sound public policies in these areas. The National H.I.R.E. Network (Helping Individuals with criminal records Reenter through Employment) is a project of the Legal Action Center that provides technical assistance to community-based organizations and state and local governments that are developing strategies and programs for the employment of individuals with criminal records. The H.I.R.E. Network's juvenile initiative offers technical assistance to youth and the organizations that work with them in understanding the laws and policies that affect their ability to obtain employment due to a conviction record.

Although we commend the legislative intent of S.155 in seeking to increase public safety, we believe that expanding the legislation to include further gang prevention and intervention programming would more effectively reduce gang violence. The Legal Action Center respectfully submits the following recommendations:

**1. Including additional provisions for gang prevention and intervention activities in the legislation.**

By including additional provisions for activities and services to prevent juveniles from participating in gangs and to intervene with juveniles early in their involvement with gangs, S. 155 would more comprehensively address the prevention, intervention and corrections response to gang-related activity. As statistics continue to show, the most effective way to combat crime is to prevent it. We recommend that a number of the provisions of S.1322, legislation recently introduced in the Senate, be incorporated into S.155. In particular, we urge the Committee to add Section 106 of S.1322 to S.155. Section 106 would strengthen intervention activities by providing gang prevention grants. These grants would provide funding for activities that help with youth employment, legal assistance,

family counseling and other safe, community-based alternatives for high risk youth. In addition, these grants would allow for the coordinated effort so desperately needed between prevention and law enforcement. This year alone, over 200,000 juveniles and young adults will return to the community from adult prisons and juvenile corrections facilities, many with little or no education, job experience, job training, or other skills necessary to find and keep a job. Connecting these young people to employment opportunities is one of the most practical and powerful ways to decrease gang involvement, lower recidivism rates and facilitate productive participation in our communities and economy.

**2. Expanding the legislation to include provisions for juveniles in need of drug or alcohol addiction treatment services.**

Although (number/percentage of juveniles w/SA or addiction history) this legislation does not acknowledge that many individuals who participate in drug crimes are themselves in need of alcohol and drug treatment. Further criminalizing a large number of individuals who themselves are suffering from alcohol and drug addiction instead of providing them with access to vital treatment services will not curb criminal activity related to a person's drug addiction. Including provisions in S. 155 that would address this problem by increasing access to drug treatment for people in the criminal justice system would help to reduce recidivism.

**3. Instituting a more nuanced approach to determine which juveniles should be transferred into the adult criminal justice system.**

We are concerned that the current bill would allow for more juveniles to be transferred into the adult system. We recommend that the legislation be amended to allow for a more in-depth evaluation in the case of juveniles between 16-18 who commit gang-related crimes. Factors such as a child's family history, economic background, and neighborhood play a major role in their decision to participate in gang activity and should be considered before any transfer of a juvenile to the adult criminal justice system. In addition, recent studies, including a report published by the National Council on Crime and Delinquency, have shown that juveniles transferred to adult facilities are more likely to re-offend and commit more serious crimes upon release than youth who remain in the juvenile justice system. We are concerned that the legislation's provision removing judicial discretion will further exacerbate the overcrowded adult court, prison, and jail systems.

We appreciate your leadership in curbing youth gang violence. We hope you will take our recommendations into consideration as this legislation moves forward. If you have further questions or would like additional information on any of the issues highlighted in this letter, please feel free to contact Alexa Eggleston, J.D., Director of National Policy at the Legal Action Center at 202-544-5478 x. 11 or [aeggleston@lac-dc.org](mailto:aeggleston@lac-dc.org) or Laurie Parise, Director of the National H.I.R.E. Network's Youth Reentry Project at 212-243-1313 or [lparise@lac.org](mailto:lparise@lac.org). Thank you for your time and attention to these critical issues.

Sincerely,

Alexa Eggleston  
Director of National Policy

Laurie Parise  
Director of the H.I.R.E. Network's Youth Reentry Project