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111TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPT. 111–688, Part 1

YOUTH PROMISE ACT

DECEMBER 16, 2010.—Ordered to be printed

Mr. CONYERS, from the Committee on the Judiciary, submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 1064]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1064) to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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99–006

THE AMENDMENT

The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act" or the "Youth PROMISE Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
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Sec. 3. Definitions.

TITLE I—FEDERAL COORDINATION OF LOCAL AND TRIBAL JUVENILE JUSTICE INFORMATION AND EFFORTS

Sec. 101. PROMISE Advisory Panel.
Sec. 102. Geographic assessment of resource allocation.

TITLE II—PROMISE GRANTS

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Sec. 201. PROMISE Assessment and Planning grants authorized.
Sec. 202. PROMISE Coordinating Councils.
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Sec. 221. Non-supplanting clause.
Sec. 222. Grant application review panel.
Sec. 223. Evaluation of PROMISE grant programs.

TITLE III—PROMISE RESEARCH CENTERS

Sec. 301. Establishment of the National Research Center for Proven Juvenile Justice Practices.
Sec. 302. Grants for Regional Research Proven Practices Partnerships.

TITLE IV—YOUTH–ORIENTED POLICING SERVICES

Sec. 401. Purpose.
Sec. 402. Definitions.
Sec. 403. Grants to State, local, and tribal law enforcement agencies to hire and train youth-oriented policing officers.
Sec. 404. Establishment of Center for Youth-oriented Policing.
Sec. 405. Authorization of appropriations.

TITLE V—ENHANCED FEDERAL SUPPORT OF LOCAL LAW ENFORCEMENT

Subtitle A—Comprehensive Gang Prevention and Relief

Sec. 501. Short title.
Sec. 502. Designation as a comprehensive gang prevention and relief area.
Sec. 503. Interagency Gang Prevention Task Force.
Sec. 504. Authorization of appropriations.

Subtitle B—Community and Police Collaboration

Sec. 511. Gang prevention grants.

Subtitle C—City Youth Violence Recovery

Sec. 521. Grants to prevent or alleviate the effects of youth violence.

TITLE VI—PRECAUTION ACT

Sec. 601. Short title.
Sec. 602. Purposes.
Sec. 603. Definitions.
Sec. 604. National Commission on Public Safety Through Crime and Delinquency Prevention.
Sec. 605. Innovative crime and delinquency prevention and intervention strategy grants.

TITLE VII—ADDITIONAL IMPROVEMENTS TO JUVENILE JUSTICE

Sec. 701. Youth Victim and Witness Assistance Program.
"Sec. 31707. Authorization of appropriations.
Sec. 702. Expansion and reauthorization of the Mentoring Initiative for system-involved youth.

Sec. 703. Study on adolescent development and sentences in the Federal system.
Sec. 704. Partnerships with professional athletic leagues.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(2) COMMUNITY.—The term "community" means a unit of local government or an Indian Tribe, or part of such a unit or Tribe, as determined by such a unit or Tribe for the purpose of applying for a grant under this Act.

(3) DESIGNATED GEOGRAPHIC AREA.—The term "designated geographic area" means a 5-digit postal ZIP Code assigned to a geographic area by the United States Postal Service.

(4) EVIDENCE-BASED.—The term "evidence-based", when used with respect to a practice relating to juvenile delinquency and criminal street gang activity prevention and intervention, means a practice (including a service, program, or strategy) that has statistically significant juvenile delinquency and criminal street gang activity reduction outcomes when evaluated by—

(A) an experimental trial, in which participants are randomly assigned to participate in the practice that is the subject of the trial; or

(B) a quasi-experimental trial, in which the outcomes for participants are compared with outcomes for a control group that is made up of individuals who are similar to such participants.

(5) INTERVENTION.—The term "intervention" means the provision of programs and services that are supported by research, are evidence-based or promising practices, and are provided to youth who are involved in, or who are identified by evidence-based risk assessment methods as being at high risk of continued involvement in, juvenile delinquency or criminal street gangs, as a result of indications that demonstrate involvement with problems such as truancy, substance abuse, mental health treatment needs, or siblings who have had involvement with juvenile or criminal justice systems.

(6) JUVENILE DELINQUENCY AND CRIMINAL STREET GANG ACTIVITY PREVENTION.—The term "juvenile delinquency and criminal street gang activity prevention" means the provision of programs and resources to children and families who have not yet had substantial contact with criminal justice or juvenile justice systems, that—

(A) are designed to reduce potential juvenile delinquency and criminal street gang activity risks; and

(B) are evidence-based or promising educational, health, mental health, school-based, community-based, faith-based, parenting, job training, social opportunities and experiences, or other programs, for youth and their families, that have been demonstrated to be effective in reducing juvenile delinquency and criminal street gang activity risks.

(7) PROMISING.—The term "promising", when used with respect to a practice relating to juvenile delinquency and criminal street gang activity prevention and intervention, means a practice that is not evidence-based, but—

(A) that has outcomes from an evaluation that demonstrate that such practice reduces juvenile delinquency and criminal street gang activity; and

(B) about which a study is being conducted to determine if such practice is evidence-based.

(8) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Northern Mariana Islands, and any other territories or possessions of the United States.

(9) YOUTH.—The term "youth" means—

(A) an individual who is 18 years of age or younger; or

(B) in any State in which the maximum age at which the juvenile justice system of such State has jurisdiction over individuals exceeds 18 years of age, an individual who is such maximum age or younger.

TITLE I—FEDERAL COORDINATION OF LOCAL AND TRIBAL JUVENILE JUSTICE INFORMATION AND EFFORTS

SEC. 101. PROMISE ADVISORY PANEL.

(a) ORGANIZATION OF STATE ADVISORY GROUP MEMBER REPRESENTATIVES.—Section 223(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(f)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) ORGANIZATION OF STATE ADVISORY GROUP MEMBER REPRESENTATIVES.—The Administrator shall provide technical and financial assistance to a nonpartisan, nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986, to assist such organization in carrying out the functions specified in paragraph (2). To receive such assistance, an organization shall—

"(A) be governed by individuals who—

"(i) have been appointed by a chief executive of a State to serve as a State advisory group member under subsection (a)(3); and

"(ii) are elected to serve as a governing officer of such organization by a majority of the Chairs (or Chair-designees) of all such State advisory groups;

"(B) include member representatives from a majority of such State advisory groups, who shall be representative of regionally and demographically diverse States and jurisdictions; and

"(C) annually seek appointments by the chief executive of each State of one State advisory group member and one alternate State advisory group member from each such State to implement the advisory functions specified in subparagraphs (D) and (E) of paragraph (2), including serving on the PROMISE Advisory Panel, and make a record of any such appointments available to the public."; and

(2) in paragraph (2), by amending subparagraph (D) to read as follows:

"(D) advising the Administrator with respect to particular functions or aspects of the work of the Office, and appointing a representative, diverse group of members of such organization under paragraph (1) to serve as an advisory panel of State juvenile justice advisors (referred to as the 'PROMISE Advisory Panel') to carry out the functions specified in subsection (g); and".

(b) PROMISE ADVISORY PANEL.—Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is further amended by adding at the end the following new subsection:

"(g) PROMISE ADVISORY PANEL.—

"(1) FUNCTIONS.—The PROMISE Advisory Panel required under subsection (f)(2)(D) shall—

"(A) assess successful evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention carried out by PROMISE Coordinating Councils under such Act;

"(B) provide the Administrator with a list of individuals who have experience in administering or evaluating practices that serve youth involved in, or at risk of involvement in, juvenile delinquency and criminal street gang activity, from which the Administrator shall select individuals who shall—

"(i) provide to the Administrator peer reviews of applications submitted by units of local government and Indian tribes pursuant to title II of such Act, to ensure that such applications demonstrate a clear plan to—

"(I) serve youth as part of an entire family unit; and

"(II) coordinate the delivery of service to youth among agencies; and

"(ii) advise the Administrator with respect to the award and allocation of PROMISE Planning grants to local and tribal governments that develop PROMISE Coordinating Councils, and of PROMISE Implementation grants to such PROMISE Coordinating Councils, pursuant to title II of such Act;

"(C) develop performance standards to be used to evaluate programs and activities carried out with grants under title II of the Youth PROMISE Act, including the evaluation of changes achieved as a result of such programs and activities related to decreases in juvenile delinquency and criminal street gang activity, including—

"(i) prevention of involvement by at-risk youth in juvenile delinquency or criminal street gang activity;

"(ii) diversion of youth with a high risk of continuing involvement in juvenile delinquency or criminal street gang activity; and

"(iii) financial savings from deferred or eliminated costs, or other benefits, as a result of such programs and activities, and the reinvestment by the unit or Tribe of any such savings; and

"(D) provide the Center for Youth-oriented Policing with a list of individuals the Panel recommends for membership on the Youth-oriented Policing Services Advisory Board, pursuant to section 403(c) of the Youth PROMISE Act.

"(2) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of the Youth PROMISE Act, and annually thereafter, the PROMISE Advisory Panel shall prepare a report containing the findings and determinations under paragraph (1)(A) and shall submit such report to Congress, the President, the Attorney General, and the chief executive and chief law enforcement officer of each State, unit of local government, and Indian Tribe.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 299(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)(1)) is amended to read as follows:

"(1) There are authorized to be appropriated to carry out this title—

"(A) $6,800,000 for fiscal year 2010;

"(B) $7,800,000 for fiscal year 2011;

"(C) $8,800,000 for fiscal year 2012;

"(D) $11,000,000 for fiscal year 2013; and

"(E) $13,600,000 for fiscal year 2014.".

SEC. 102. GEOGRAPHIC ASSESSMENT OF RESOURCE ALLOCATION.

(a) GRANT FOR COLLECTION OF DATA TO DETERMINE NEED.—Subject to the availability of appropriations, the Administrator shall award a grant, on a competitive basis, to an organization to—

(1) collect and analyze data related to the existing juvenile delinquency and criminal street gang activity prevention and intervention needs and resources in each designated geographic area;

(2) use the data collected and analyzed under paragraph (1) to compile a list of designated geographic areas that are in need of resources to carry out juvenile delinquency and criminal street gang activity prevention and intervention;

(3) use the data collected and analyzed under paragraph (1) to rank such areas in descending order by the amount of need for resources to carry out juvenile delinquency and criminal street gang activity prevention and intervention, ranking the area with the greatest need for such resources highest; and

(4) periodically update the list under paragraph (2) and the rankings under paragraph (3) as the Administrator determines to be appropriate.

(b) DATA SOURCES.—In compiling such list and determining such rankings, the organization shall collect and analyze data relating to juvenile delinquency and criminal street gang activity prevention and intervention—

(1) using the geographic information system and web-based mapping application known as the Socioeconomic Mapping and Resource Topography (SMART) system;

(2) from the Department of Health and Human Services, the Department of Labor, the Department of Housing and Urban Development, and the Department of Education; and

(3) from the annual KIDS Count Data Book and other data made available by the KIDS Count initiative of the Annie E. Casey Foundation.

(c) USE OF DATA BY THE ADMINISTRATOR.—The list and rankings required by this section shall be provided to the Administrator to be used to provide funds under this Act in the most strategic and effective manner to ensure that resources and services are provided to youth in the communities with the greatest need for such resources and services.

(d) LIMITATION ON USE OF COLLECTED DATA.—The information collected and analyzed under this section may not be used for any purpose other than to carry out the purposes of this Act. Such information may not be used for any purpose related to the investigation or prosecution of any person, or for profiling of individuals based on race, ethnicity, socio-economic status, or any other characteristic.

(e) AUTHORIZATION AND LIMITATION OF APPROPRIATIONS.—Of the amount appropriated for fiscal year 2010 to carry out this section and subtitle A of title II of this Act (as authorized under section 205), not more than one percent of such amount, or $1,000,000, whichever is less, shall be available to carry out this section.

TITLE II—PROMISE GRANTS

SEC. 200. PURPOSES.

The purposes of the grant programs established under this title are to—

(1) enable local and tribal communities to assess the unmet needs of youth who are involved in, or are at risk of involvement in, juvenile delinquency or criminal street gangs;

(2) develop plans appropriate for a community to address those unmet needs with juvenile delinquency and gang prevention and intervention practices; and

(3) implement and evaluate such plans in a manner consistent with this Act.

Subtitle A—PROMISE Assessment and Planning Grants

SEC. 201. PROMISE ASSESSMENT AND PLANNING GRANTS AUTHORIZED.

(a) GRANTS AUTHORIZED.—The Administrator is authorized to award grants to units of local government and Indian Tribes to assist PROMISE Coordinating Councils with planning and assessing evidence-based and promising practices relating to juvenile delinquency and criminal street gang activity prevention and intervention, especially for youth who are involved in, or who are at risk of involvement in, juvenile delinquency and criminal street gang activity. Such PROMISE Coordinating Councils shall—

(1) conduct an objective needs and strengths assessment in accordance with section 203; and

(2) develop a PROMISE Plan in accordance with section 204, based on the assessment conducted in accordance with section 203.

(b) GRANT DURATION, AMOUNT, AND ALLOCATION.—

(1) DURATION.—A grant awarded under this section shall be for a period not to exceed one year.

(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this section shall not exceed $300,000.

(c) ALLOCATION.—

(1) MINIMUM ALLOCATION.—Subject to the availability of appropriations, the Administrator shall ensure that the total funds allocated under this section to units of local governments and Indian tribes in a State shall not be less than $1,000,000.

(2) RATABLE REDUCTION.—If the amount made available for grants under this section for any fiscal year is less than the amount required to provide the minimum allocation of funds under paragraph (1) to units of local government and Indian tribes in each State, then the amount of such minimum allocation shall be ratably reduced.

SEC. 202. PROMISE COORDINATING COUNCILS.

To be eligible to receive a grant under this subtitle, a unit of local government or an Indian Tribe shall establish a PROMISE Coordinating Council for each community of such unit or Tribe, respectively, for which such unit or Tribe is applying for a grant under this subtitle. Each such community shall include one or more designated geographic areas identified on the list required under section 102(a)(2). The members of such a PROMISE Coordinating Council shall be representatives of public and private sector entities and individuals that—

(1) shall include, to the extent possible, at least one representative from each of the following:

(A) the local chief executive's office;

(B) a local educational agency;

(C) a local health agency or provider;

(D) a local mental health agency or provider, unless the representative under subparagraph (C) also meets the requirements of this subparagraph;

(E) a local public housing agency;

(F) a local law enforcement agency;

(G) a local child welfare agency;

(H) a local juvenile court;

(I) a local juvenile prosecutor's office;

(J) a private juvenile residential care entity;

(K) a local juvenile public defender's office;

(L) a State juvenile correctional entity;

(M) a local business community representative; and

(N) a local faith-based community representative;

(2) shall include two representatives from each of the following:

(A) parents who have minor children, and who have an interest in the local juvenile or criminal justice systems;

(B) youth between the ages of 15 and 24 who reside in the jurisdiction of the unit or Tribe; and

(C) members from nonprofit community-based organizations that provide effective delinquency prevention and intervention to youth in the jurisdiction of the unit or Tribe; and

(3) may include other members, as the unit or Tribe determines to be appropriate.

SEC. 203. NEEDS AND STRENGTHS ASSESSMENT.

(a) ASSESSMENT.—Each PROMISE Coordinating Council receiving funds from a unit of local government or Indian tribe under this subtitle shall conduct an objective strengths and needs assessment of the resources of the community for which such PROMISE Coordinating Council was established, to identify the unmet needs of youth in the community with respect to evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention. The PROMISE Coordinating Council shall consult with a research partner receiving a grant under section 302 for assistance with such assessment. Such assessment shall include, with respect to the community for which such PROMISE Coordinating Council was established—

(1) the number of youth who are at-risk of involvement in juvenile delinquency or street gang activity;

(2) the number of youth who are involved in juvenile delinquency or criminal street gang activity, including the number of such youth who are at high-risk of continued involvement;

(3) youth unemployment rates during the summer;

(4) the number of individuals on public financial assistance (including a breakdown of the numbers of men, women, and children on such assistance), the estimated number of youth who are chronically truant, and the number of youth who have dropped out of school in the previous year; and

(5) for the year before such assessment, the estimated total amount expended (by the community and other entities) for the incarceration of offenders who were convicted or adjudicated delinquent for an offense that was committed in such community, including amounts expended for the incarceration of offenders in prisons, jails, and juvenile facilities that are located in the United States but are not located in such community;

(6) a comparison of the amount under paragraph (5) with an estimation of the amount that would be expended for the incarceration of offenders described in such paragraph if the number of offenders described in such paragraph was equal to the national average incarceration rate per 100,000 population; and

(7) a description of evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention available for youth in the community, including school-based programs, after school programs (particularly programs that have activities available for youth between 3:00 and 6:00 in the afternoon), weekend activities and programs, youth mentoring programs, faith and community-based programs, summer activities, and summer jobs, if any; and

(8) a description of evidence-based and promising intervention practices available for youth in the community.

(b) LIMITATION ON USE OF ASSESSMENT INFORMATION.—Information gathered pursuant to this section may be used for the sole purpose of developing a PROMISE Plan in accordance with this subtitle.

SEC. 204. PROMISE PLAN COMPONENTS.

(a) IN GENERAL.—Each PROMISE Coordinating Council receiving funds from a unit of local government or Indian tribe under this subtitle shall develop a PROMISE Plan to provide for the coordination of, and, as appropriate, to support the delivery of, evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to youth and families who reside in the community for which such PROMISE Coordinating Council was established. Such a PROMISE Plan shall—

(1) include the strategy by which the PROMISE Coordinating Council plans to prioritize and allocate resources and services toward the unmet needs of youth in the community, consistent with the needs and available resources of

communities with the greatest need for assistance, as determined pursuant to section 102;

(2) include a combination of evidence-based and promising prevention and intervention practices that are responsive to the needs of the community;

(3) take into account the cultural and linguistic needs of the community; and

(4) use approaches that have been shown to be effective at reducing the rates of juvenile delinquency and criminal street gang activity in communities.

(b) MANDATORY COMPONENTS.—Each PROMISE Plan shall—

(1) include a plan to connect youth identified in paragraphs (1) and (2) of section 203(a) to evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention;

(2) identify the amount or percentage of local funds that are available to the PROMISE Coordinating Council to carry out the PROMISE Plan;

(3) provide strategies to improve indigent defense delivery systems, with particular attention given to groups of children who are disproportionately represented in the State delinquency system and Federal criminal justice system, as compared to the representation of such groups in the general population of the State;

(4) provide for training (which complies with the American Bar Association Juvenile Justice Standards for the representation and care of youth in the juvenile justice system) of prosecutors, defenders, probation officers, judges and other court personnel related to issues concerning the developmental needs, challenges, and potential of youth in the juvenile justice system, (including training related to adolescent development and mental health issues, and the expected impact of evidence-based practices and cost reduction strategies);

(5) ensure that the number of youth involved in the juvenile delinquency and criminal justice systems does not increase as a result of the activities undertaken with the funds provided under this subtitle;

(6) describe the coordinated strategy that will be used by the PROMISE Coordinating Council to provide at-risk youth with evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention;

(7) propose the performance evaluation process to be used to carry out section 211(d), which shall include performance measures to assess efforts to address the unmet needs of youth in the community with evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention; and

(8) identify the research partner the PROMISE Coordinating Council will use to obtain information on evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention, and for the evaluation under section 211(d) of the results of the activities carried out with funds under this subtitle.

(c) VOLUNTARY COMPONENTS.—In addition to the components under subsection (b), a PROMISE Plan may include evidence-based or promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention in the following categories:

(1) Early childhood development services (such as pre-natal and neo-natal health services), early childhood prevention, voluntary home visiting programs, nurse-family partnership programs, parenting and healthy relationship skills training, child abuse prevention programs, Early Head Start, and Head Start.

(2) Child protection and safety services (such as foster care and adoption assistance programs), family stabilization programs, child welfare services, and family violence intervention programs.

(3) Youth and adolescent development services, including job training and apprenticeship programs, job placement and retention training, education and after school programs (such as school programs with shared governance by students, teachers, and parents, and activities for youth between the hours of 3:00 and 6:00 in the afternoon), mentoring programs, conflict resolution skills training, sports, arts, life skills, employment and recreation programs, summer jobs, and summer recreation programs, and alternative school resources for youth who have dropped out of school or demonstrate chronic truancy.

(4) Heath and mental health services, including cognitive behavioral therapy, play therapy, and peer mentoring and counseling.

(5) Substance abuse counseling and treatment services, including harm-reduction strategies.

(6) Emergency, transitional, and permanent housing assistance (such as safe shelter and housing for runaway and homeless youth).

(7) Targeted gang prevention, intervention, and exit services such as tattoo removal, successful models of anti-gang crime outreach programs (such as "street worker" programs), and other criminal street gang truce or peacemaking activities.

(8) Training and education programs for pregnant teens and teen parents.

(9) Alternatives to detention and confinement programs (such as mandated participation in community service, restitution, counseling, and intensive individual and family therapeutic approaches).

(10) Pre-release, post-release, and reentry services to assist detained and incarcerated youth with transitioning back into and reentering the community.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Subject to the limitation under section 102(e), there are authorized to be appropriated for fiscal year 2010, $300,000,000 to carry out this subtitle and section 102.

Subtitle B—PROMISE Implementation Grants

SEC. 211. PROMISE IMPLEMENTATION GRANTS AUTHORIZED.

(a) PROMISE IMPLEMENTATION GRANTS AUTHORIZED.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention is authorized to award grants to units of local government and Indian Tribes to assist PROMISE Coordinating Councils with implementing PROMISE Plans (developed pursuant to subtitle A).

(b) GRANT DURATION AND AMOUNT.—

(1) DURATION.—A grant awarded under this section shall be for a four-year period.

(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this section shall not be for more than $10,000,000 per year for each year of the grant period.

(c) NON-FEDERAL FUNDS REQUIRED.—For each fiscal year during the four-year grant period for a grant under this subtitle, each unit of local government or Indian Tribe receiving such a grant for a PROMISE Coordinating Council shall provide, from non-Federal funds, in cash or in kind, 25 percent of the costs of the activities carried out with such grant.

(d) EVALUATION.—Of any funds provided to a unit of local government or an Indian Tribe for a grant under this subtitle, not more than $100,000 shall be used to provide a contract to a competitively selected organization to assess the progress of the unit or Tribe in addressing the unmet needs of youth in the community, in accordance with the performance measures under section 204(b)(7).

SEC. 212. PROMISE IMPLEMENTATION GRANT APPLICATION REQUIREMENTS.

(a) APPLICATION REQUIRED.—To be eligible to receive a PROMISE Implementation grant under this subtitle, a unit of local government or Indian Tribe that received a PROMISE Assessment and Planning grant under subtitle A shall submit an application to the Administrator of the Office of Juvenile Justice and Delinquency Prevention not later than one year after the date such unit of local government or Indian Tribe was awarded such grant under subtitle A, in such manner, and accompanied by such information, as the Administrator, after consultation with the organization under section 223(f)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(f)(1)), may require.

(b) CONTENTS OF APPLICATION.—Each application submitted under subsection (a) shall—

(1) identify potential savings from criminal justice costs, public assistance costs, and other costs avoided by utilizing evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention;

(2) document—

(A) investment in evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to be provided by the unit of local government or Indian Tribe;

(B) the activities to be undertaken with the grants funds;

(C) any expected efficiencies in the juvenile justice or other local systems to be attained as a result of implementation of the programs funded by the grant; and

(D) outcomes from such activities, in terms of the expected numbers related to reduced criminal activity;

(3) describe how savings sustained from investment in prevention and intervention practices will be reinvested in the continuing implementation of the PROMISE Plan; and

(4) provide an assurance that the local fiscal contribution with respect to evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention in the community for which the PROMISE Coordinating Council was established for each year of the grant period will not be less than the local fiscal contribution with respect to such practices in the community for the year preceding the first year of the grant period.

SEC. 213. GRANT AWARD GUIDELINES.

(a) SELECTION AND DISTRIBUTION.—Grants awarded under this subtitle shall be awarded on a competitive basis. The Administrator shall—

(1) take such steps as may be necessary to ensure that grants are awarded to units of local governments and Indian Tribes in areas with the highest concentrations of youth who are—

(A) at-risk of involvement in juvenile delinquency or criminal street gang activity; and

(B) involved in juvenile delinquency or street gang activity and who are at high-risk of continued involvement; and

(2) give consideration to the need for grants to be awarded to units of local governments and Indian Tribes in each region of the United States, and among urban, suburban, and rural areas.

(b) EXTENSION OF GRANT AWARD.—The Administrator may extend the grant period under section 211(b)(1) for a PROMISE Implementation grant to a unit of local government or an Indian Tribe, in accordance with regulations issued by the Administrator.

(c) RENEWAL OF GRANT AWARD.—Subject to the availability of appropriations, the Administrator may renew a PROMISE Implementation grant to a unit of local government or an Indian Tribe to provide such unit or Tribe with additional funds to continue implementation of a PROMISE Plan. Such a renewal—

(1) shall be initiated by an application for renewal from a unit of local government or an Indian Tribe;

(2) shall be carried out in accordance with regulations issued by the Administrator; and

(3) shall not be granted unless the Administrator determines such a renewal to be appropriate based on the results of the evaluation conducted under section 223(a) with respect to the community of such unit of Tribe for which a PROMISE Coordinating Council was established, and for which such unit or Tribe is applying for renewal.

SEC. 214. REPORTS.

Not later than one year after the end of the grant period for which a unit of local government or an Indian Tribe receives a PROMISE Implementation grant, and annually thereafter for as long as such unit or Tribe continues to receive Federal funding for a PROMISE Coordinating Council, such unit or Tribe shall report to the Administrator regarding the use of Federal funds to implement the PROMISE Plan developed under subtitle A.

SEC. 215. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for each of the fiscal years 2011 through 2014.

Subtitle C—General PROMISE Grant Provisions

SEC. 221. NON-SUPPLANTING CLAUSE.

A unit of local government or Indian Tribe receiving a grant under this title shall use such grant only to supplement, and not supplant, the amount of funds that, in the absence of such grant, would be available to address the needs of youth in the community with respect to evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention.

SEC. 222. GRANT APPLICATION REVIEW PANEL.

The Administrator of the Office of Juvenile Justice and Delinquency Prevention, in conjunction with the PROMISE Advisory Panel, shall establish and utilize a transparent, reliable, and valid system for evaluating applications for PROMISE Assessment and Planning grants and for PROMISE Implementation grants, and shall determine which applicants meet the criteria for funding, based primarily on a determination of greatest need (in accordance with section 102), with due consideration to other enumerated factors and the indicated ability of the applicant to successfully implement the program described in the application.

SEC. 223. EVALUATION OF PROMISE GRANT PROGRAMS.

(a) EVALUATION REQUIRED.—Subject to the availability of appropriations under this title, the Administrator shall, in consultation with the organization under section 223(f)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(f)(1)), provide for an evaluation of the programs and activities carried out with grants under this title. In carrying out this section, the Administrator shall—

(1) award grants to institutions of higher education (including institutions that are eligible to receive funds under part J of title IV of the Higher Education Act of 1965 (as amended by Public Law 110–84)) to facilitate the evaluation process and measurement of achieved outcomes;

(2) identify evidence-based and promising practices used by Promise Coordinating Councils under PROMISE Implementation grants that have proven to be effective in preventing involvement in, or diverting further involvement in, juvenile delinquency or criminal street gang activity; and

(3) ensure—

(A) that such evaluation is based on the performance standards that are developed by the PROMISE Advisory Panel in accordance with section 223(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (as added by section 101(b) of this Act);

(B) the development of longitudinal and clinical trial evaluation and performance measurements with regard to the evidence-based and promising practices funded under this title; and

(C) the dissemination of the practices identified in paragraph (2) to the National Research Center for Proven Juvenile Justice Practices (established under section 301), units of local government, and Indian Tribes to promote the use of such practices by such units and Tribes to prevent involvement in, or to divert further involvement in, juvenile delinquency or criminal street gang activity.

(b) RESULTS TO THE NATIONAL RESEARCH CENTER FOR PROVEN JUVENILE JUSTICE PRACTICES.—The Administrator shall provide the results of the evaluation under subsection (a) to the National Research Center for Proven Juvenile Justice Practices established under section 301.

TITLE III—PROMISE RESEARCH CENTERS

SEC. 301. ESTABLISHMENT OF THE NATIONAL RESEARCH CENTER FOR PROVEN JUVENILE JUSTICE PRACTICES.

(a) CENTER ESTABLISHED.—Subject to the availability of appropriations, the Administrator shall award a grant to a nonprofit organization with a national reputation for expertise in operating or evaluating effective, evidence-based practices related to juvenile delinquency and criminal street gang activity prevention or intervention to develop a National Research Center for Proven Juvenile Justice Practices. Such Center shall—

(1) collaborate with institutions of higher education as regional partners to create a best practices juvenile justice information-sharing network to support the programs and activities carried out with grants under title II of this Act;

(2) collect, and disseminate to PROMISE Coordinating Councils, research and other information about evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to inform the efforts of PROMISE Coordinating Councils and regional research partners and to support the programs and activities carried out with grants under title II of this Act;

(3) increase the public's knowledge and understanding of effective juvenile justice practices to prevent crime and delinquency and reduce recidivism; and

(4) develop, manage, and regularly update an Internet website to disseminate proven practices for successful juvenile delinquency prevention and intervention.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2010 through 2014.

SEC. 302. GRANTS FOR REGIONAL RESEARCH PROVEN PRACTICES PARTNERSHIPS.

(a) GRANT PROGRAM AUTHORIZED.—The Administrator shall, subject to the availability of appropriations, establish a grant program to award grants to institutions of higher education to serve as regional research partners with PROMISE Coordinating Councils that are located in the same geographic region as an institution, in collaboration with the National Research Center for Proven Juvenile Justice

Practices authorized under section 301. Regional research partners shall provide research support to such PROMISE Coordinating Councils, including—

(1) assistance with preparing PROMISE grant applications under title II, including collection of baseline data for such applications;

(2) assistance with the needs and strengths assessments conducted under section 203; and

(3) provision of support services to PROMISE grant recipients for data collection and analysis to assess progress under the PROMISE grant.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of the fiscal years 2010 through 2012.

TITLE IV—YOUTH–ORIENTED POLICING SERVICES

SEC. 401. PURPOSE.

The purpose of this title is to prevent involvement by youth in, and to divert youth from further involvement in, juvenile delinquency and criminal street gang activity by providing funding for youth-oriented community-based law enforcement, through coordination with PROMISE Coordinating Councils and other community-based organizations, to carry out evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention that are aimed at reducing—

(1) the number of youth who are victims of crime;

(2) the number of youth who lack proper education and community-based resources, training, and support;

(3) self-destructive behaviors in youth;

(4) juvenile delinquency;

(5) criminal street gang activity; and

(6) the "stop snitching" culture pervasive among youth.

SEC. 402. DEFINITIONS.

In this title:

(1) YOUTH-ORIENTED POLICING SERVICE.—The term "youth-oriented policing service" means a strategic effort by a State, local, or tribal law enforcement agency to—

(A) provide evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention; and

(B) use strategies based on the SARA model, in collaboration with community-based public and private organizations, to reduce—

(i) the number of youth who are victims of crime; and

(ii) the risks of juvenile delinquency and criminal street gang activity.

(2) SARA MODEL.—The term "SARA model" means a problem-solving technique used to organize approaches to recurring problems, which requires action with respect to a problem that includes scanning, analysis, response, and assessment.

SEC. 403. GRANTS TO STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT AGENCIES TO HIRE AND TRAIN YOUTH-ORIENTED POLICING OFFICERS.

(a) HIRING GRANTS AUTHORIZED.—Subject to the availability of appropriations, the Director of the Office of Community Oriented Policing Services shall award grants to State, local, and tribal law enforcement agencies—

(1) to hire law enforcement officers as youth-oriented police to work collaboratively with PROMISE Coordinating Councils, other community-based organizations, and youth at high risk of becoming involved in delinquent activities to reduce such risks through specialized training related to—

(A) youth development;

(B) investigation of offenses committed by youth; and

(C) the effectiveness of evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention, as compared to the effectiveness of traditional law enforcement approaches, when dealing with youth; and

(2) for training and capacity-building of law enforcement agencies related to youth-oriented policing practices and efforts, including—

(A) carrying out youth-oriented community-based policing activities including systematic needs and strengths assessment, coordination, tech-

nology deployment, technical assistance, and problem solving techniques (such as strategies based on the SARA model); and

(B) working with PROMISE Coordinating Councils to develop effective initiatives and practices that promote healthy youth development and prevent involvement by youth in, or divert further youth involvement in, juvenile delinquency and criminal street gang activity.

(b) DURATION.—A grant awarded to a law enforcement agency under this section shall be for a 4-year period.

(c) MAXIMUM GRANT AMOUNT.—A grant awarded to a law enforcement agency under this section shall not exceed $2,000,000.

(d) PRIORITY.—In awarding grants under this section, the Director of the Office of Community Oriented Policing Services shall give priority to law enforcement agencies that serve designated geographic areas that are ranked highest in the rankings of such areas determined under section 102, and shall consider whether a law enforcement agency serves a community for which a PROMISE Coordinating Council was established.

SEC. 404. ESTABLISHMENT OF CENTER FOR YOUTH-ORIENTED POLICING.

(a) GRANT TO ESTABLISH CENTER FOR YOUTH-ORIENTED POLICING.—Subject to the availability of appropriations, the Director of the Office of Community Oriented Policing Services shall award a grant, on a competitive basis, to an eligible organization to establish a Center for Youth-oriented Policing to—

(1) develop a model youth-oriented policing services training program to train representatives from State, regional, and local law enforcement training academies to provide youth-oriented policing services training to law enforcement officers, which shall—

(A) be based on evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention; and

(B) include training related to specialized police services for preventing youth at who are involved in, or who are at high risk of becoming involved in, juvenile delinquency or criminal street gang activity;

(2) support the adoption of new technologies related to—

(A) the prioritization of risks related to juvenile delinquency and criminal street gang activity;

(B) the safety of juveniles in custody; and

(C) the prevention of gun violence;

(3) develop, compile, and disseminate to youth-oriented police information about evidence-based and promising practices that are best practices for Youth-oriented Policing Services for preventing and reducing involvement of youth in juvenile delinquency and criminal street gang activity; and

(4) develop, compile, and disseminate to youth-oriented police—

(A) information about the "stop snitching" culture pervasive in many communities in the United States; and

(B) tactics to counter such culture.

(b) ELIGIBLE ORGANIZATION.—In this section, the term "eligible organization" means a nonprofit organization that has demonstrated—

(1) experience in providing training, advice, and support to law enforcement agencies;

(2) commitment to helping youth avoid delinquency, crime, and involvement with the juvenile and criminal justice systems;

(3) experience in providing law-abiding alternative life styles to youth who are participating in delinquency and criminal street gang activity, or who are involved with the juvenile or criminal justice systems; and

(4) ability and commitment to work in partnership with community-based organizations that provide services to reduce juvenile delinquency and criminal street gang activity.

(c) YOPS ADVISORY BOARD.—

(1) BOARD ESTABLISHED.—The Center for Youth-oriented Policing established pursuant to subsection (a) shall establish a Youth-oriented Policing Services Advisory Board to develop an annual work plan for the Center (in accordance with the conditions and requirements of the grant provided under this section). Such Board shall meet at least once each calendar quarter to consider reports of the Center's activities (including progress made toward accomplishing such work plan), and to approve continuation of or amendment to such work plan.

(2) MEMBERSHIP.—The membership of the Youth-oriented Policing Services Advisory Board shall—

(A) be composed of—

(i) an appointee of the chief executive of the Center for Youth-oriented Policing, who shall serve in an ex-officio capacity;

(ii) an appointee of the PROMISE Advisory Panel established pursuant to section 223(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (as added by section 101(b) of this Act), who shall serve in an ex-officio capacity; and

(iii) individuals who are selected by the Center for Youth-oriented Policing from a list of recommended individuals provided by the PROMISE Advisory Panel in accordance with such section 223(g), as follows:

(I) 8 law enforcement officers from international, national, State, and local law enforcement organizations;

(II) 4 juvenile justice administrators (including judges), including 2 administrators from the State level and 2 administrators from the local level;

(III) 4 representatives of community-based organizations that advocate for juveniles, one each from a national, State, local, and tribal organization; and

(IV) 4 individuals who research juvenile crime prevention issues; and

(B) to the greatest extent possible, have a demographic composition that represents the demographic composition of the population of the United States.

(3) TERM OF MEMBERSHIP.—Members of the Youth-oriented Policing Services Advisory Board shall serve for 3-year staggered terms.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $100,000,000 for each of the fiscal years 2010 through 2014, to be made available as follows:

(1) Such sums as may be necessary in each such fiscal year to carry out the activities of the Center for Youth-oriented Policing established pursuant to section 404, except that such sums shall not exceed $5,000,000 or 10 percent of the total amount appropriated to carry out this title, whichever is less.

(2) Of the funds remaining for each such fiscal year after sums are made available for under paragraph (1)—

(A) 80 percent shall be available to award grants to carry out the activities in section 403(a)(1); and

(B) 20 percent shall be available to award grants to carry out the activities in section 403(a)(2).

TITLE V—ENHANCED FEDERAL SUPPORT OF LOCAL LAW ENFORCEMENT

Subtitle A—Comprehensive Gang Prevention and Relief

SEC. 501. SHORT TITLE.

This subtitle may be cited as "Mynisha's Law".

SEC. 502. DESIGNATION AS A COMPREHENSIVE GANG PREVENTION AND RELIEF AREA.

(a) IN GENERAL.—Units of local government and Indian Tribes with a PROMISE Coordinating Council (established in accordance with subtitle A of title II of this Act) may submit an application to the Administrator for designation as a Comprehensive Gang Prevention and Relief Area in accordance with this section.

(b) CRITERIA.—

(1) IN GENERAL.—The Administrator shall establish criteria for reviewing applications submitted under subsection (a) and for evaluating and selecting areas for designation as Comprehensive Gang Prevention and Relief Areas.

(2) CONSIDERATIONS.—In establishing criteria under subsection (a) and evaluating an application for designation as a Comprehensive Gang Prevention and Relief Area, the Administrator shall consider—

(A) the current and predicted levels of gang crime activity in the area, based on the information collected and analyzed under section 102;

(B) the extent to which violent crime in the area appears to be related to criminal gang activity;

(C) the extent to which the area is implementing a PROMISE Plan, or is otherwise already engaged in local or regional collaboration regarding, and coordination of, gang prevention activities; and

(D) such other criteria as the Administrator determines to be appropriate.

SEC. 503. INTERAGENCY GANG PREVENTION TASK FORCE.

(a) IN GENERAL.—In order to coordinate Federal assistance to Comprehensive Gang Prevention and Relief Areas, the Administrator shall establish an Interagency Gang Prevention Task Force (in this subtitle referred to as the "Task Force"), consisting of a representative from—

(1) the Department of Justice;

(2) the Department of Education;

(3) the Department of Labor;

(4) the Department of Health and Human Services; and

(5) the Department of Housing and Urban Development.

(b) COORDINATION.—For each Comprehensive Gang Prevention and Relief Area designated by the Administrator under section 502, the Task Force shall—

(1) coordinate the activities of the Federal Government to create a comprehensive gang prevention response, focusing on youth through early childhood intervention, at-risk youth intervention, literacy, employment, community policing, and comprehensive community-based programs such as Weed and Seed, Operation Cease Fire, and Homeboy Industries; and

(2) coordinate such comprehensive gang prevention response with local and regional gang prevention efforts, including PROMISE Coordinating Councils and PROMISE Plans (where such Plans are established).

(c) PROGRAMS.—The Task Force shall prioritize the needs of Comprehensive Gang Prevention and Relief Areas for funding under—

(1) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(2) the Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.);

(3) the Healthy Start Initiative under section 330H of the Public Health Services Act (42 U.S.C. 254c–8);

(4) the Head Start Act (42 U.S.C. 9831 et seq.);

(5) the 21st Century Community Learning Centers program under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.);

(6) the Job Corps program under subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.);

(7) the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

(8) the Gang Resistance Education and Training projects under subtitle X of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13921);

(9) any program administered by the Office of Community Oriented Policing Services;

(10) the Juvenile Accountability Block Grant program under part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.);

(11) the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.); and

(12) any other program that the Task Force determines to be appropriate.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than February 1 of each year, the Task Force shall submit to Congress and the Administrator a report on the funding needs and programmatic outcomes for each area designated as a Comprehensive Gang Prevention and Relief Area.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) an evidence-based analysis of the best practices and outcomes among the areas designated as Comprehensive Gang Prevention and Relief Areas; and

(B) an analysis of the adequacy of Federal funding to meet the needs of each area designated as a Comprehensive Gang Prevention and Relief Area and, if the Task Force identifies any programmatic shortfalls in addressing gang prevention, a request for new funding or reprogramming of existing funds to meet such shortfalls.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle, including any needs identified by the Task Force as necessary to carry out this subtitle.

Subtitle B—Community and Police Collaboration

SEC. 511. GANG PREVENTION GRANTS.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Community Oriented Policing Services of the Department of Justice may make grants, in accordance with such rules and regulations as the Director may prescribe, to units of local government and Indian Tribes with a PROMISE Coordinating Council (established in accordance with subtitle A of title II of this Act) to enable such PROMISE Coordinating Council to develop community-based programs that provide crime prevention, research, and intervention services that are designed to prevent violence and gang involvement by youthful offenders and at-risk youth.

(b) USE OF GRANT AMOUNTS.—A grant under this section may be used (including through subgrants) for—

(1) preventing initial gang recruitment and involvement among younger teenagers;

(2) preventing violence and gang involvement through nonviolent and constructive activities, such as community service programs, development of nonviolent conflict resolution skills, restorative justice programs, employment and legal assistance, family counseling, and other safe, community-based alternatives for crime-involved or high-risk youth;

(3) developing in-school and after-school gang safety, control, education, and resistance procedures and programs;

(4) identifying (and disaggregating by race, ethnicity, and gender, where applicable) and addressing early childhood risk factors for violence and gang involvement, including parent training and childhood skills development;

(5) identifying (and disaggregating by race, ethnicity, and gender, where applicable) and fostering protective factors that buffer children and adolescents from violence, crime, and gang involvement;

(6) developing and identifying investigative programs designed to deter gang recruitment, involvement, and activities through effective intelligence gathering;

(7) developing programs and youth centers for first-time, non-violent offenders facing alternative penalties, such as mandated participation in community service, restitution, mentoring, counseling, job training, and education and prevention programs;

(8) implementing multidisciplinary approaches to combat youth violence and gang involvement through coordinated programs operated by law enforcement and other public, private, and faith-based community organizations for prevention and intervention (including street outreach programs and other peacemaking activities) or coordinated law enforcement activities (including crime mapping strategies that enhance focused crime prevention, intervention, and reintegration strategies for offender reentry); or

(9) identifying at-risk and high-risk students through home visits organized through joint collaborations between law enforcement, faith-based organizations, schools, health and mental health providers, other community based organizations, and social workers.

(c) MAXIMUM GRANT.—The amount of a grant under this section may not exceed $1,000,000.

(d) ANNUAL REPORT.—Each recipient of a grant under this section shall submit to the Director, for each year in which funds from a grant received under this section are expended, a report containing—

(1) a summary of the activities carried out with grant funds during that year;

(2) an assessment of the effectiveness of the crime prevention, research, and intervention activities of the recipient, based on data collected by the grant recipient;

(3) a strategic plan for the year following the year described in paragraph (1);

(4) evidence of consultation and cooperation with local, State, or Federal law enforcement or, if the grant recipient is a government entity, evidence of consultation with an organization engaged in any activity described in subsection (b); and

(5) such other information as the Director may require.

(e) DEFINITION.—In this section, the term "units of local government" includes sheriffs' departments, police departments, and local prosecutor offices.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section $35,000,000 for each of the fiscal years 2010 through 2014.

Subtitle C—City Youth Violence Recovery

SEC. 521. GRANTS TO PREVENT OR ALLEVIATE THE EFFECTS OF YOUTH VIOLENCE.

(a) GRANTS.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to eligible entities to prevent or alleviate the effects of youth violence in eligible urban communities by providing violence-prevention education, mentoring, counseling, and mental health services to children and adolescents in such communities.

(b) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to applicants that agree to use the grant in one or more eligible urban communities that lack the monetary or other resources to address youth violence.

(c) LIMITATION.—The Attorney General may not make a grant to an eligible entity under this section unless the entity agrees to use not more than 15 percent of the funds provided through the grant for violence-prevention education.

(d) DEFINITIONS.—In this section:

(1) The term "eligible entity" means a partnership between a State mental health authority and one or more local public or private providers, such as a local agency, State agency, educational institution, or nonprofit or for-profit organization.

(2) The term "eligible urban community" means an urban community with a high or increasing incidence of youth violence.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $10,000,000 for each of fiscal years 2010 through 2014.

TITLE VI—PRECAUTION ACT

SEC. 601. SHORT TITLE.

This title may be cited as the "Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2009", or the "PRECAUTION Act of 2009".

SEC. 602. PURPOSES.

The purposes of this title are to—

(1) establish a commitment on the part of the Federal Government to provide leadership on effective and culturally-appropriate crime prevention and intervention strategies, including strategies that are responsive to gender-specific needs;

(2) further the integration of crime prevention and intervention strategies into traditional law enforcement practices of State and local law enforcement offices around the country;

(3) develop a plain-language, implementation-focused assessment of those current crime and delinquency prevention and intervention strategies that are supported by rigorous evidence;

(4) provide additional resources to the National Institute of Justice to administer research and development grants for promising crime prevention and intervention strategies;

(5) develop recommendations for Federal priorities for crime and delinquency prevention and intervention research, development, and funding that may augment important Federal grant programs, including the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant programs administered by the Office of Community Oriented Policing Services of the Department of Justice, grant programs administered by the Office of Safe and Drug-Free Schools of the Department of Education, and other similar programs; and

(6) reduce the costs that rising violent crime imposes on interstate commerce.

SEC. 603. DEFINITIONS.

In this title, the following definitions shall apply:

(1) COMMISSION.—The term "Commission" means the National Commission on Public Safety Through Crime Prevention established under section 604(a).

(2) RIGOROUS EVIDENCE.—The term "rigorous evidence" means evidence generated by scientifically valid forms of outcome evaluation, particularly randomized trials (where practicable).

(3) SUBCATEGORY.—The term "subcategory" means 1 of the following categories:

(A) Family and community settings (including public health-based strategies).

(B) Law enforcement settings (including probation-based strategies).

(C) School settings (including anti-gang and general anti-violence strategies).

(4) TOP-TIER.—The term "top-tier" means any strategy supported by rigorous evidence of the sizable, sustained benefits to participants in the strategy or to society.

SEC. 604. NATIONAL COMMISSION ON PUBLIC SAFETY THROUGH CRIME AND DELINQUENCY PREVENTION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Public Safety Through Crime and Delinquency Prevention.

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(B) REQUIRED REPRESENTATIVES.—At least—

(i) 2 members of the Commission shall be social scientists with experience implementing or interpreting rigorous, outcome-based trials;

(ii) 2 members of the Commission shall be law enforcement practitioners; and

(iii) 2 members of the Commission shall be youth delinquency prevention or intervention practitioners.

(3) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

(c) OPERATION.—

(1) CHAIRPERSON.—At the initial meeting of the Commission, the members of the Commission shall elect a chairperson from among its voting members, by a vote of ⅔ of the members of the Commission. The chairperson shall retain this position for the life of the Commission. If the chairperson leaves the Commission, a new chairperson shall be selected, by a vote of ⅔ of the members of the Commission.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the date on which all the members of the Commission have been appointed.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, and the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) RULES.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this title or other applicable law.

(d) PUBLIC HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) FOCUS OF HEARINGS.—The Commission shall hold at least 3 separate public hearings, each of which shall focus on 1 of the subcategories.

(3) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(e) COMPREHENSIVE STUDY OF EVIDENCE-BASED CRIME AND DELINQUENCY PREVENTION AND INTERVENTION STRATEGIES.—

(1) IN GENERAL.—The Commission shall carry out a comprehensive study of the effectiveness of crime and delinquency prevention and intervention strategies, organized around the 3 subcategories.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include—

(A) a review of research on the general effectiveness of incorporating crime and delinquency prevention and intervention strategies into an overall law enforcement plan;

(B) an evaluation of how to more effectively communicate the wealth of social science research to practitioners;

(C) a review of evidence regarding the effectiveness of specific crime prevention and intervention strategies, focusing on those strategies supported by rigorous evidence;

(D) an identification of—

(i) promising areas for further research and development; and

(ii) other areas representing gaps in the body of knowledge that would benefit from additional research and development;

(E) an assessment of the best practices for implementing prevention and intervention strategies;

(F) an assessment of the best practices for gathering rigorous evidence regarding the implementation of intervention and prevention strategies; and

(G) an assessment of those top-tier strategies best suited for duplication efforts in a range of settings across the country.

(3) INITIAL REPORT ON TOP-TIER CRIME AND DELINQUENCY PREVENTION AND INTERVENTION STRATEGIES.—

(A) DISTRIBUTION.—Not later than 18 months after the date on which all members of the Commission have been appointed, the Commission shall submit a public report on the study carried out under this subsection to—

(i) the President;

(ii) Congress;

(iii) the Attorney General;

(iv) the Chief Federal Public Defender of each district;

(v) the chief executive of each State;

(vi) the Director of the Administrative Office of the Courts of each State;

(vii) the Director of the Administrative Office of the United States Courts; and

(viii) the attorney general of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) a summary of the top-tier strategies, including—

(I) a review of the rigorous evidence supporting the designation of each strategy as top-tier;

(II) a brief outline of the keys to successful implementation for each strategy; and

(III) a list of references and other information on where further information on each strategy can be found;

(iii) recommended protocols for implementing crime and delinquency prevention and intervention strategies generally;

(iv) recommended protocols for evaluating the effectiveness of crime and delinquency prevention and intervention strategies; and

(v) a summary of the materials relied upon by the Commission in preparation of the report.

(C) CONSULTATION WITH OUTSIDE AUTHORITIES.—In developing the recommended protocols for implementation and rigorous evaluation of top-tier crime and delinquency prevention and intervention strategies under this paragraph, the Commission shall consult with the Committee on Law and Justice at the National Academy of Science and with national associations representing the law enforcement, social science, and juvenile justice professions, including the National Sheriffs' Association, the Police Executive Research Forum, the International Association of Chiefs of Police, the Consortium of Social Science Associations, and the American Society of Criminology.

(f) RECOMMENDATIONS REGARDING DISSEMINATION OF THE INNOVATIVE CRIME AND DELINQUENCY PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) SUBMISSION.—

(A) IN GENERAL.—Not later than 30 days after the date of the final hearing under subsection (d) relating to a subcategory, the Commission shall provide the Director of the National Institute of Justice with recommendations on qualifying considerations relating to that subcategory for selecting grant recipients under section 605.

(B) DEADLINE.—Not later than 13 months after the date on which all members of the Commission have been appointed, the Commission shall provide all recommendations required under this subsection.

(2) MATTERS INCLUDED.—The recommendations provided under paragraph (1) shall include recommendations relating to—

(A) the types of strategies for the applicable subcategory that would best benefit from additional research and development;

(B) any geographic or demographic targets;

(C) the types of partnerships with other public or private entities that might be pertinent and prioritized; and

(D) any classes of crime and delinquency prevention and intervention strategies that should not be given priority because of a pre-existing base of knowledge that would benefit less from additional research and development.

(g) FINAL REPORT ON THE RESULTS OF THE INNOVATIVE CRIME AND DELINQUENCY PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) IN GENERAL.—Following the close of the 3-year implementation period for each grant recipient under section 605, the Commission shall collect the results of the study of the effectiveness of that grant under section 605(b)(3) and shall submit a public report to the President, the Attorney General, Congress, the chief executive of each State, and the attorney general of each State describing each strategy funded under section 605 and its results. This report shall be submitted not later than 5 years after the date of the selection of the chairperson of the Commission.

(2) COLLECTION OF INFORMATION AND EVIDENCE REGARDING GRANT RECIPIENTS.—The Commission's collection of information and evidence regarding each grant recipient under section 605 shall be carried out by—

(A) ongoing communications with the National Institute of Justice;

(B) a review of the data generated by the study monitoring the effectiveness of the strategy; and

(C) other means as necessary.

(3) MATTERS INCLUDED.—The report submitted under paragraph (1) shall include a review of each strategy carried out with a grant under section 605, detailing—

(A) the type of crime or delinquency prevention or intervention strategy;

(B) where the activities under the strategy were carried out, including geographic and demographic targets;

(C) any partnerships with public or private entities through the course of the grant period;

(D) the type and design of the effectiveness study conducted under section 605(b)(3) for that strategy;

(E) the results of the effectiveness study conducted under section 605(b)(3) for that strategy;

(F) lessons learned regarding implementation of that strategy or of the effectiveness study conducted under section 605(b)(3), including recommendations regarding which types of environments might best be suited for successful replication; and

(G) recommendations regarding the need for further research and development of the strategy.

(h) PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(2) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation.

(3) STAFF.—

(A) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws, rules, and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF FEDERAL EMPLOYEES.—With the affirmative vote of ⅔ of the members of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(i) CONTRACTS FOR RESEARCH.—

(1) NATIONAL INSTITUTE OF JUSTICE.—With a ⅔ affirmative vote of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this title. The National Institute of Justice may contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section.

(k) TERMINATION.—The Commission shall terminate on the date that is 30 days after the date on which the Commission submits the last report required by this section.

SEC. 605. INNOVATIVE CRIME AND DELINQUENCY PREVENTION AND INTERVENTION STRATEGY GRANTS.

(a) GRANTS AUTHORIZED.—The Director of the National Institute of Justice may make grants to public and private entities to fund the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies. The purpose of grants under this section shall be to provide funds for all expenses related to the implementation of such a strategy and to conduct a rigorous study on the effectiveness of that strategy.

(b) GRANT DISTRIBUTION.—

(1) PERIOD.—A grant under this section shall be made for a period of not more than 3 years.

(2) AMOUNT.—The amount of each grant under this section—

(A) shall be sufficient to ensure that rigorous evaluations may be performed; and

(B) shall not exceed $2,000,000.

(3) EVALUATION SET-ASIDE.—

(A) IN GENERAL.—A grantee shall use not less than $300,000 and not more than $700,000 of the funds from a grant under this section for a rigorous study of the effectiveness of the strategy during the 3-year period of the grant for that strategy, including outcome measures disaggregated by race, ethnicity, and gender.

(B) METHODOLOGY OF STUDY.—Each study conducted under subparagraph (A) shall use an evaluator and a study design approved by the National Institute of Justice. Approval of such an evaluator and study design shall be required before a grant is awarded to an entity under this section.

(4) DATE OF AWARD.—Not later than 6 months after the date of receiving recommendations relating to a subcategory from the Commission under section

604(f), the Director of the National Institute of Justice shall award all grants under this section relating to that subcategory.

(5) TYPE OF GRANTS.—One-third of the grants made under this section shall be made in each subcategory. In distributing grants, the recommendations of the Commission under section 604(f) shall be considered.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $18,000,000 to carry out this subsection.

(c) APPLICATIONS.—A public or private entity desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Institute of Justice may reasonably require.

TITLE VII—ADDITIONAL IMPROVEMENTS TO JUVENILE JUSTICE

SEC. 701. YOUTH VICTIM AND WITNESS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 31702(5) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862(5)) is amended by inserting ", including juvenile witness and victim protection programs," after "victim protection programs".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $5,000,000 for each of the fiscal years 2010 through 2014 to carry out this subtitle.".

SEC. 702. EXPANSION AND REAUTHORIZATION OF THE MENTORING INITIATIVE FOR SYSTEM-INVOLVED YOUTH.

(a) EXPANSION.—Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665(a)) is amended by adding at the end the following: "Within 6 months of the date of enactment of the Youth PROMISE Act, the Administrator shall expand the number of sites receiving such grants from 4 to 12.".

(b) AUTHORIZATION OF PROGRAM.—Section 299(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(c)) is amended—

(1) by striking "There are authorized" and inserting the following:

"(1) IN GENERAL.—There are authorized"; and

(2) by adding at the end the following:

"(2) AUTHORIZATION OF APPROPRIATIONS FOR MENTORING INITIATIVE.—There are authorized to be appropriated to carry out the Mentoring Initiative for System-Involved Youth Program under part E $4,800,000 for each of fiscal years 2010 through 2014.".

SEC. 703. STUDY ON ADOLESCENT DEVELOPMENT AND SENTENCES IN THE FEDERAL SYSTEM.

(a) IN GENERAL.—The United States Sentencing Commission shall conduct a study to examine the appropriateness of sentences for minors in the Federal system.

(b) CONTENTS.—The study conducted under subsection (a) shall—

(1) incorporate the most recent research and expertise in the field of adolescent brain development and culpability;

(2) evaluate the toll of juvenile crime, particularly violent juvenile crime, on communities;

(3) consider the appropriateness of life sentences without possibility for parole for minor offenders in the Federal system; and

(4) evaluate issues of recidivism by juveniles who are released from prison or detention after serving determinate sentences.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the United States Sentencing Commission shall submit to Congress a report regarding the study conducted under subsection (a), which shall—

(1) include the findings of the Commission;

(2) describe significant cases reviewed as part of the study; and

(3) make recommendations, if any.

(d) REVISION OF GUIDELINES.—If determined appropriate by the United States Sentencing Commission after completing the study under subsection (a), the Commission may, pursuant to its authority under section 994 of title 28, United States Code, establish or revise guidelines and policy statements, as warranted, relating to the sentencing of minors.

SEC. 704. PARTNERSHIPS WITH PROFESSIONAL ATHLETIC LEAGUES.

(a) IN GENERAL.—The Attorney General may establish a program to provide for a youth initiative to end youth violence and other youth crime in collaboration with professional sports leagues and players in the United States, which may include the National Football League, National Basketball Association, Major League Baseball, Major League Soccer, and other professional sports organizations.

(b) STUDY.—

(1) IN GENERAL.—To the extent that the program under subsection (a) is established, not later than 1 year after the date of the enactment of this Act, the Attorney General shall conduct a study of the potential for reducing youth violence and other youth crime through collaborations with professional sports organizations and players in the United States, such as the National Football League, National Basketball Association, Major League Baseball, and Major League Soccer.

(2) CONTENTS.—The study conducted under paragraph (1) shall—

(A) identify and describe all efforts undertaken by professional sports organizations and players in the United States to reduce youth crime; and

(B) include a description of the progress of these efforts in achieving the goal of reducing youth violence and other youth crime.

(c) REPORT.—In the case a study is conducted under subsection (b), not later than 1 year after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on such study, which shall—

(1) include the findings of the Attorney General;

(2) describe significant programs reviewed as part of the study; and

(3) make recommendations, if any.

PURPOSE AND SUMMARY

H.R. 1064, the Youth Prison Reduction through Opportunity, Mentoring, Intervention, Support and Education Act ("Youth PROMISE Act") is designed to prevent youth violence, delinquency, and street gang crime, and to redirect youth already involved in the juvenile or criminal justice systems toward law-abiding and productive lives.

H.R. 1064 will provide Federal support for evidence-based and promising programs [1] that work to prevent the involvement of at-risk youth in juvenile delinquency or criminal street gang activity, and that provide positive alternatives for youth who have become involved in juvenile delinquency or criminal street gang activity. Rejecting "one size fits all" approaches that funnel more youth into the juvenile and criminal justice systems, the Youth PROMISE Act supports evidence-based and promising local community efforts to prevent youth from entering the justice system in the first place.

Under the Youth PROMISE Act, communities facing the greatest youth gang and crime challenges come together and form a local PROMISE Coordinating Council. This council consists of stakeholders within the juvenile and criminal justice systems, including law enforcement leaders and practitioners, educators and representatives from the school system, community-based and social service organizations, faith-based organizations, health and mental health providers, court services, prosecutors and public defenders, and housing officials. Once formed, the council is charged with developing a comprehensive plan for implementing evidence-based and promising prevention and intervention strategies. These strate-

[1] The terms "evidence-based" and "promising" are widely used in the research relating to crime prevention and intervention strategies. Both terms are defined in the bill. In general, an evidence-based strategy or practice has shown statistically significant juvenile delinquency and criminal street gang activity reduction outcomes based on experimental trial, in which participants are randomly chosen, or quasi-experimental trial, in which participants are compared to a control group. A promising strategy is one that is not yet evidence-based, but that has been demonstrated to reduce juvenile delinquency and criminal street gang activity, and for which a study is being conducted to determine if it is evidence-based.

gies are geared toward young people who are at risk of becoming involved in, or who are already involved in, gangs or the criminal justice system, and operate to redirect youth toward productive and law-abiding alternatives.

The Youth PROMISE Act also promotes effective law enforcement techniques through Youth Oriented Policing Services ("YOPS"). YOPS provides training, hiring and support for officers to implement strategic and age-appropriate community-based activities that are designed to minimize youth crime and victimization and reduce the long-term involvement of youth in the juvenile and criminal justice systems. The Act also provides for thorough evaluation and analysis of the reductions in incarceration and criminal justice costs and other financial savings resulting from the investment in prevention and intervention.[2]

BACKGROUND AND NEED FOR THE LEGISLATION

The problems of youth violence and gang crime have taken a toll on communities throughout the country. The impact is particularly felt by residents of our most distressed and impoverished communities. Such crime forces families to live in fear, and destroys the lives of many young people.

National experts in a variety of fields have called on Congress to adopt legislation to prevent and address the issues of gangs and youth violence. Extensive research on youth violence, child development, and education reveals that evidence-based and promising education and community-based prevention and intervention strategies can prevent and curtail youth crime, and redirect young people away from gang involvement toward productive participation in society.[3]

Experts around the country have argued that to prevent and reduce violent crime, policymakers must support community-based strategies that can reach all young people, especially those who are disconnected from school, work, and family, and those who are from distressed and impoverished neighborhoods.[4] These researchers and experts have developed a substantial body of knowledge that further establishes that such strategies can prevent violence and crime in a cost-effective manner.[5]

BACKGROUND

Despite the wealth of research on the effectiveness of evidence-based and promising prevention and intervention strategies in preventing and reducing crime, for decades we have moved away from prevention techniques as too many elected officials simply supported "tough on crime" punitive policies that translated into expanded police and prosecutorial power. This punitive approach gen-

[2] Extensive background information relating to the bill is available at http://www.bobbyscott.house.gov/ypa.

[3] See generally, the Annie E. Casey Foundation, A Road Map for Juvenile Justice Reform (cataloguing research and best practices of "what works" in juvenile justice reform): http://www.aecf.org/~/media/PublicationFiles/AEC180essay_booklet_MECH.pdf.

[4] See, e.g., New Evidence on the Monetary Value of Saving a High Risk Youth, Mark A. Cohen, Vanderbilt University and University of York (U.K.) and Alex R. Piquero, John Jay College of Criminal Justice & City University of New York Graduate Center, December 2007.

[5] Id.

erally yields more arrests, more trials, and more incarceration, but without reducing crime commensurately.[6]

Furthermore, notwithstanding the political appeal of such "tough on crime" policies, research demonstrates that choosing enforcement over prevention produces flawed and costly policies that often inflict incalculable harm on the very communities the policies are intended to protect.[7]

Today in the United States, far too many of our poorer, urban communities have staggeringly low high school graduation rates, especially for male students of color. At the same time, our nation records the highest incarceration rate in the world. There are now 2.3 million people behind bars in the United States.[8] Incarceration rates are even higher from poor communities and communities of color.[9] The Children's Defense Fund estimates that one in every three Black males born in 2001 will end up incarcerated at some point in his lifetime, without appropriate intervention. The problem is so severe, the Children's Defense Fund has launched an entire campaign to fight what it refers to as the problem of the "Cradle to Prison Pipeline."[10]

The social and economic costs to the nation of such high incarceration rates are overwhelming.[11] According to some estimates, we spend 55 billion dollars annually on incarceration in the United States.[12] In contrast, preventing young people from joining gangs in the first place is projected to save millions of dollars that are currently spent to arrest, convict, and imprison them as lawbreakers later.

The overly-punitive criminal justice approach in this country has contributed to widening racial and ethnic disparities in our juvenile and criminal justice systems. It is stunningly expensive, and it doesn't work. Significant evidence demonstrates that more incarceration will not solve the problem.[13] Indeed, law enforcement officials around the country emphasize that we "cannot arrest our way out of the problem" of youth gang crime.[14] Law enforcement experts have also indicated that there are sufficient Federal sanctions to prosecute gang crime and exact severe penalties; the Racketeer Influenced and Corrupt Organizations Act (RICO) is a prime example.[15] Rather than calling for additional or duplicative sanctions,

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[6] See Charles Hamilton Houston Institute for Race and Justice, No More Children Left Behind Bars, available at: http://chhi.podconsulting.com/assets/documents/publications/NO MORE CHILDREN LEFT BEHIND.pdf (concluding "Incarceration is a spectacularly unsuccessful treatment.").

[7] Id.

[8] US Department of Justice, Bureau of Justice Statistics, 2009. See also One in 100: Behind Bars in America, Pew Center on the States, 2008, available at http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS__Prison08__FINA L__2-1-1__FORWEB.pdf.

[9] Id.

[10] See generally http://www.childrensdefense.org/helping-americas-children/cradle-to-prison-pipeline-campaign/.

[11] See Pew Center on the States, http://www.pewcenteronthestates.org/uploadedFiles/PSPP__1in31__report__FINAL__WEB__3-26-09.pdf.

[12] Pew Center on the States, One in 100: Behind Bars in America 2008, *http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS*__Prison08__FINAL__2-1-1__FORWEB.pdf.

[13] See note 18, infra.

[14] Willam J. Bratton, Chief of the Los Angeles Police Department, emphasized this point on June 11, 2009 in his testimony before the Senate Judiciary Committee, Subcommittee on Crime and Drugs, hearing "Exploring the National Criminal Justice Commission Act of 2009."

[15] In Boyle v. United States, 556 U.S. 18 (2009), the United States Supreme Court adopted a more expansive interpretation of the scope of the Racketeer Influenced and Corrupt Organiza-

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law enforcement officers have urged Congress to provide support for programs in local communities to prevent problems from occurring in the first place.

On February 15, 2007, in a hearing before the House Judiciary Committee's Subcommittee on Crime, Terrorism and Homeland Security, "Making Communities Safer: Youth Violence and Gang Interventions that Work," Paul Logli, then Chairman of the National District Attorneys Association, testified regarding how he and other prosecutors endeavor to make charging decisions and sentencing recommendations taking into account the accused's potential to turn his or her life around:

> What helps us make those decisions is if we have available to us programs . . . that give us alternatives, that show us that this person can be put in that anti-truancy program, if we can work with that family to get that person to go to school and to learn how to read and write, and how to develop job skills so that they can get a job. The most important thing for many of these people is to have a job so they can support a family and make their mortgage payments.
>
> But if we don't have programs that can bring them there, then my job is much tougher. . . . I don't need any more laws. I've got all the criminal laws I need in the State of Illinois. I don't need any more sanctions. The sentences are plenty tough. I have got all the discretion I need.
>
> What I need is . . . programs on the street that have staying power and that have credibility and that will work with people, that I can refer people to. Because what I do have is the hammer. I have the coercion that might just make that person stick to a program, whether you call it pulling levers or anything else. We make that decision, whether they're worth working with or it is just time to warehouse them. And that is a real loss to society.[16]

The U.S. Department of Justice's National Criminal Justice Reference Service has also found incarceration does little to disrupt the violent activities of gang-affiliated inmates. Research reveals that prisons and detention centers can in fact strengthen gang affiliations and become a breeding ground for potential gang activity.[17] Insofar as youth in the community form gangs for protection and family-like relationships, incarcerated youth have an even greater need for protection.

Despite the overwhelming evidence that incarceration is counterproductive, the continued implementation of punitive criminal justice policies in this country has increased incarceration rates, disproportionately impacting poor youth and youth of color. Moreover, these policies exacerbate the problem of gang-related crime, funnel into the justice system a disproportionate number of youth who

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tions Act, making it easier to apply RICO to informal "Association-in-Fact Enterprises." The Court held that prosecutors and civil plaintiffs can use the statute to pursue an "association-in-fact enterprise" without needing proof that it has a structure separate from that inherent in the pattern of racketeering activity in which it engaged.

[16] Making Communities Safer: Youth Violence and Gang Interventions That Work: Hearing Before the Subcomm. on Crime, Terrorism, and Homeland Security of the H. Comm. on the Judiciary, 110th Cong. 81 (2007).

[17] See Judith Greene and Kevin Pranis, Gang Wars: The Failure of Enforcement Tactics and the Need for Effective Public Safety Strategies, Justice Policy Institute 2007 http://www.justicepolicy.org/content-hmID=1811&smID=1581&ssmID=22.htm.

have a cognizable mental health and/or substance abuse disorder, and make communities less safe.[18]

Evidence shows that it is entirely feasible to move children away from a "cradle to prison pipeline" and onto a positive and productive life trajectory.[19] Extensive research indicates that a continuum of evidenced-based and promising prevention programs for youth identified as being at risk of involvement in delinquent behavior, as well as intervention for those already involved, will greatly reduce crime and decrease criminal justice and social welfare expenditures.[20] Experts also note these programs are most effective for at-risk youth when provided in the context of a coordinated, collaborative local strategy involving law enforcement and other local public and private entities.

EFFECTUATING THE RECOMMENDATIONS OF CRIMINAL JUSTICE AND LAW ENFORCEMENT EXPERTS

H.R. 1064 is consistent with the recommendations of juvenile and criminal justice and law enforcement experts from around the country.

On June 21 and 22, 2007, Representative Robert C. "Bobby" Scott (D-VA), Chairman of the Subcommittee on Crime, Terrorism and Homeland Security, hosted a National Crime Policy Summit to examine the causes of and solutions to violent crime in the United States. More than 50 crime policy makers, researchers, practitioners, analysts, and law enforcement officials from across the political spectrum gathered to discuss evidence-based and other promising strategies to prevent and reduce gang violence and crime.

These experts agreed that a sustained investment in prevention and intervention is essential to addressing the problems of youth violence and criminal street gangs, and constitutes smart crime policy.[21] Research reveals that given a strong support structure, and effective prevention and intervention services, most young people "age out" or desist from delinquency and crime when they reach adulthood. For example, a report of the U.S. Department of Justice indicates that "gang-membership tends to be short-lived, even among high-risk youth . . . with very few youth remaining gang members throughout their adolescent years."[22]

According to top scholars in a variety of fields, including economics, educational psychology, and public health, public dollars spent on effective prevention and education programs are far more effective in stemming violence, curtailing crime and delinquency, and discouraging gang affiliation than broadening prosecutorial powers

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[18] See generally, Charles Hamilton Houston Institute for Race and Justice, No More Children Left Behind Bars, http://chhi.podconsulting.com/assets/documents/publications/NO MORE CHILDREN LEFT BEHIND.pdf. A number of other organizations have commissioned or conducted related research reaching similar conclusions, including the American Psychological Association, the Washington State Institute for Public Policy, the Social Development Research Group of Seattle, Washington, the Justice Policy Institute, the National Council on Crime and Delinquency, and the Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

[19] See Smart on Crime: Recommendations for the Next Administration and Congress, Juvenile Justice Reforms Chapter, available at http://2009transition.org/criminaljustice/index.php?option=com_content&view=article&id=24&Itemid=21.

[20] Id.

[21] See Smart on Crime: Recommendations for the Next Administration and Congress, Juvenile Justice Reforms Chapter, available at http://2009transition.org/criminaljustice/index.php?option=com_content&view=article&id=24&Itemid=21.

[22] Juvenile Offenders and Victims: 2006 National Report, Office of Juvenile Justice and Delinquency Prevention Statistical Briefing Book, Department of Justice.

or stiffening criminal penalties for young people accused of crimes.[23] Public opinion polling studies also reveal that taxpayers overwhelmingly favor investing in prevention, education, and rehabilitation programs rather than paying for ever-more prosecution and incarceration of youthful offenders.[24]

Following the summit, and guided by the recommendations of the wide array of experts who testified, Representative Scott introduced the Youth PROMISE Act in the 110th Congress. He reintroduced the bipartisan bill in the 111th Congress with Representative Michael N. Castle (R-DE).

NATIONAL SUPPORT FOR THE YOUTH PROMISE ACT

A national coalition of more than 250 local, State, and national entities, including juvenile and criminal justice organizations, law enforcement organizations, education groups and school districts, community-based organizations, faith-based organizations, cities and city councils around the country, local, State and national elected officials, the U.S. Conference of Mayors, the National Association of Counties, and the National Association of Juvenile and Family Court Judges have all endorsed the Youth PROMISE Act and have urged Congress to pass it.

The following cities and States have passed formal resolutions in support of the Youth PROMISE Act:

City of Los Angeles, CA
City of Pasadena, CA
City of San Francisco, CA
New Hampshire House of Representatives
City of East Cleveland, OH
City of Philadelphia, PA
City of Pittsburgh, PA
Santa Fe County, NM
City of New York, NY
City of Hampton, VA
City of Newport News, VA
City of Norfolk, VA
City of Portsmouth, VA
City of Richmond, VA

The following international, national, State and local organizations have formally endorsed the Youth PROMISE Act:

International Organizations

Citizens United for the Rehabilitation of Errants (CURE), International
Continental Societies, Incorporated

[23] In recent years, a wide range of organizations have commissioned or conducted research in this area and reached similar conclusions. These organizations include the American Psychological Association, the Washington State Institute for Public Policy, the Social Development Research Group of Seattle, Washington, the National Council on Crime and Delinquency, the Justice Policy Institute, and the Department of Justice, Office of Juvenile Justice and Delinquency Prevention. For more information, see http://chhi.podconsulting.com/assets/documents/publications/NO MORE CHILDREN LEFT BEHIND.pdf.

[24] See Models for Change, Systems Reform In Juvenile Justice, Rehabilitation Versus Incarceration of Juvenile Offenders: Public Preferences in Four Models for Change States, available at: http://modelsforchange.net/pdfs/WillingnesstoPayFINAL.pdf; see also National Juvenile Justice Network, Polling on Public Attitudes About the Treatment of Young Offenders, available at http://www.pendulumfoundation.com/Polling%20on%20Public%20Attitudes.pdf.

Covenant House International
Human Rights Watch
International Community Corrections Association
Penal Reform International
World Vision

National Organizations

Afterschool Alliance
Alliance for Children and Families
American Academy of Child and Adolescent Psychiatry (AACAP)
American Bar Association
American Civil Liberties Union (ACLU)
American Correctional Association
American Council of Chief Defenders
American Federation of School Administrators, AFL-CIO
American Federation of Teachers (AFT)
American Friends Service Committee (AFSC)
American Jewish Congress
American Probation and Parole Association
American Psychological Association
Asian American Justice Center
ASPIRA, Inc.
Bazelon Center for Mental Health Law
Boy Scouts of America
Boys and Girls Clubs of America
Campaign for Youth Justice
Catholic Charities USA
Center for Children's Law and Policy
Charles Hamilton Houston Institute for Race and Justice
Child Welfare League of America
Children's Defense Fund
Coalition for Juvenile Justice
Coalition on Human Needs
Correctional Education Association
Council for Educators of At-Risk and Delinquent Youth
Council for Opportunity in Education
Council of Juvenile Correctional Administrators (CJCA)
Family Justice
Federal CURE
First Five Years Fund
Girls Inc.
Immigrant Justice Network
Institute for Community Peace
Justice Policy Institute
Juvenile Justice Trainers Association
Leadership Conference on Civil Rights
League of Young Voters
Legal Action Center
Lutheran Immigration and Refugee Service
Mennonite Central Committee Washington Office
Mental Health America
Mexican American Legal Defense & Educational Fund (MALDEF)
National Advocacy Center of the Sisters of the Good Shepherd
National African-American Drug Policy Coalition, Inc.

National Alliance of Black School Educators
National Alliance to End Homelessness
National Alliance for Faith and Justice
National Association for the Advancement of Colored People (NAACP)
National Association of Blacks in Criminal Justice
National Association of Counties (NACo)
National Association of Criminal Defense Lawyers
National Association of Juvenile Correctional Agencies
National Association of Secondary School Principals
National Black Caucus of Local Elected Officials (NBC-LEO)
National Black Police Association
National Center for Youth Law

National Consortium of TASC (Treatment Accountability for Safer Communities) Programs

National Council for Community Behavioral Health
National Council of La Raza
National Council on Crime and Delinquency
National Council on Educating Black Children
National Council of Juvenile and Family Court Judges (NCJFCJ)
National Council for Urban (Gang) Peace, Justice and Empowerment
National Education Association
National Federation of Families for Children's Mental Health
National Head Start Association
National Hire Network
National Immigration Project of the National Lawyers Guild
National Juvenile Defender Center
National Juvenile Detention Association
National Juvenile Justice Network
National Network for Youth
National Organization of Black Law Enforcement (NOBLE)
National Organization of Concerned Black Men, Inc.
National Partnership for Juvenile Services
National Parent Teacher Association (PTA)
National Trust for the Development of African-American Men
National Urban League
National Women's Law Center
Open Society Policy Center
The Peace Alliance
Presbyterian Church (USA), Washington Office
Prison Legal News
Prisons Foundation
Southeast Asia Resource Action Center
Southern Poverty Law Center
Students for Sensible Drug Policy
The Academy of Criminal Justice Sciences, Law and Policy Section
The Rebecca Project for Human Rights
The School Social Work Association of America
The Sentencing Project
The Student Peace Alliance
Therapeutic Communities of America (TCA)
Time Dollar Youth Court

TimeBanks USA
Unitarian Universalist Association of Congregations
United Church of Christ, Justice and Witness Ministries
United Methodist Church, General Board of Church and Society
United Neighborhood Centers of America
U.S. Conference of Mayors
U.S. Dream Academy
U.S. Psychiatric Rehabilitation Association (USPRA)
VOICES for America's Children
W. Haywood Burns Institute
Washington Office on Latin America
Youth Law Center
Youth Matter America

State and Local Organizations

ACLU of Illinois
ACLU of North Carolina
ACLU of Ohio
Action for Children North Carolina
Advocates for Children and Youth (MD)
Alabama Youth Justice Coalition
Alston Wilkes Society (SC)
Alturas Mas Altas (CA)
Archdiocese of Los Angeles, Office of Restorative Justice (CA)
Asian Law Caucus (CA)
ATTIC Correctional Services, Inc. (WI)
Barrios Unidos—Santa Cruz Chapter (CA)
Barrios Unidos—Virginia Chapter
CASA of Maryland, Inc.
Center for Community Alternatives (NY)
Central American Legal Assistance (NY)
Chicago Area Project (IL)
Children's Action Alliance (AZ)
Children's Campaign, Inc. (FL)
Citizens for Juvenile Justice (MA)
City of New York Department of Juvenile Justice
Columbia Heights Shaw Family Collaborative (DC)
Connecticut Juvenile Justice Alliance
Contra Costa County Public Defender's Office (CA)
Correctional Association of New York
Council for Children's Rights (NC)
DC Alliance of Youth Advocates
DC NAACP Youth Council
Delaware Center for Justice
Equal Justice Initiative (AL)
Everychild Foundation (CA)
Facilitating Leadership in Youth (FLY) (DC)
Faith Communities for Families and Children (CA)
Families & Allies of Virginia's Youth
Families & Friends of Louisiana's Incarcerated Children
Families Moving Forward (CT)
Florida Public Defender Association, Inc.
Florida Public Defender, Fourth Judicial Circuit
Florida Families for Fair Sentences
Franklin County Public Defender (OH)

Fusion Partnerships, Inc. (MD)
Hispanic Urban Minority Alcoholism and Drug Abuse Outreach Program (OH)
Homies Unidos (CA)
H.O.P.E., Inc (KS)
Identity, Inc. (MD)
The Institute for the Study and Practice of Nonviolence (RI)
John Howard Association of Illinois
JustChildren (VA)
Justice for DC Youth
Juvenile Court Judges of California
Juvenile Justice Center of Suffolk University Law School (NY)
Juvenile Justice Coalition (OH)
Juvenile Justice Initiative of Illinois
Juvenile Justice Project of Louisiana
Kansas CURE
Keeping Our Kids Safe: The Newport News Violence Prevention Network (VA)
L.A. Unified School District (CA)
L.A. Youth Justice Coalition (CA)
Latin American Youth Center (DC)
Leaders in Community Alternatives, Inc. (CA)
Life Pieces to Masterpieces, Inc. (DC)
Law Office of Anthony J. Keber (MA)
Maryland CURE
Maryland Department of Juvenile Services
Maryland Juvenile Justice Coalition
Maryland Office of the Public Defender
Mental Health Association in Pennsylvania
Michigan Council on Crime and Delinquency
Mid-Atlantic Juvenile Defender Center, Juvenile Law and Policy Clinic, University of Richmond School of Law (VA)
Midwest Juvenile Defender Center (IL)
Minnesota Juvenile Justice Coalition
Mississippi CURE
Mississippi Youth Justice Project
New Hampshire Association of Criminal Defense Lawyers
New Jersey Association on Correction
New Mexico Council on Crime and Delinquency
New Mexico Criminal Defense Lawyers Association
Pacific Juvenile Defender Center (CA)
Parents Who Care Coalition (SD)
Parents, Youth, Children and Family Training Institute (AL)
Partnership for Safety and Justice (OR)
Peace in the Hood (OH)
Puerto Rico Association of Criminal Defense Lawyers
Public Justice Center (MD)
PTA of Illinois
Quad A For KIDS/A Rochester Area Community Foundation Initiative (NY)
Southern Juvenile Defender Center (AL)
Texas Criminal Justice Coalition
The Center for Community Development, Inc. (VA)
The Fortune Society (NY)
The Law Offices of Public Defender Bennett H. Brummer

(Miami-Dade Public Defender's Office) (FL)
The Pendulum Foundation (CO)
The Poor People's Alliance, Connecticut Chapter
San Francisco Youth Commission (CA)
The S.T.O.P. Family Investment Center at Oakmont North (VA)
Southern Juvenile Defender Center (AL)
Southern Poverty Law Center (AL)
Tennessee Commission on Children and Youth
UNC Juvenile Justice Clinic, University of North Carolina at Chapel Hill School of Law
United Church of Christ, Justice and Witness Ministries (OH)
United in Peace, Inc. (IL)
Utah Commission on Criminal Justice and Juvenile Justice
Virginia Coalition for Juvenile Justice
Virginia Commonwealth University School of Education
Virginia Commonwealth University Center for School-Community Collaboration
Virginia CURE
VOICES for Alabama's Children
VOICES for Children in Nebraska
VOICES for Ohio's Children
Washington Association of Criminal Defense Lawyers
Washington Defender Association
Washington Defender Association's Immigration Project
Youth Advocate Programs, Inc. (PA)
Youth Advocacy Project of the Committee for Public Counsel Services (MA)
Young America Works Public Charter School (DC)

Prominent Elected Officials, Celebrities, and Academics Who Have Endorsed the Youth PROMISE Act:

Casey Affleck, Actor and film director (CA)
Leroy D. Baca, Sheriff, County of Los Angeles (CA)
Jason Bateman, television and film actor (CA)
Carol Oughton Biondi, California Department of Corrections and Rehabilitation, Corrections Standards Authority, Board Member, Child Advocate, Juvenile Justice Expert, Commissioner, Los Angeles County Commission for Children and Families Los Angeles (CA)
Father Greg Boyle, S.J., Executive Director of Homeboy Industries (CA)
Jim Brown, NFL Hall of Famer (CA)
Scott Budnick, Film Producer, Warner Bros, Youth Advocate, Board Member, Los Angeles Conservation Corps (CA)
Tony Cárdenas, Councilmember, Los Angeles City Council (CA)
Jacqueline Caster, Founder and President, Everychild Foundation (CA)
Erika Christensen, Actress (CA)
Baron Davis, NBA player (CA)
Rob Dyrdek, professional skateboarder, actor, entrepreneur (CA)
Kathy Eldon, television presenter, magazine editor, journalist, television and film producer
Flea, musician (CA)
Tom Hayden, social and political activist and politician (CA)

Benjamin Jealous, President and Chief Executive Officer, NAACP (CA)
Anthony Kiedis, vocalist, lyricist (CA)
Joaquin Phoenix, actor, director, producer, social activist (CA)
Rain Phoenix, actress, musician, and singer (CA)
Liv Tyler, actress and model (CA)
Cash Warren, film producer (CA)
Robin Wright, Actress (CA)
The Honorable Toni Harp, Connecticut State Senator
The Honorable Kelvin Roldán, Connecticut State Representative
Marian Wright Edelman, Children's Defense Fund (DC)
Wade Henderson, President, Leadership Conference on Civil and Human Rights (DC)
Jolanta Juszkiewicz, Ph.D., American University (DC)
Hilary O. Shelton, NAACP, Washington Bureau Director (DC)
Troy Vincent, NFL Vice President of Player Development (DC)
Aaron Kupchik, Ph.D., University of Delaware
Judge Glenda Hatchett (GA)
Donna M. Bishop, Northeastern University (MA)
Charles J. Ogletree, Harvard Law School, Jesse Climenko Professor of Law and Vice Dean for the Clinical Programs, and Founding and Executive Director of the Charles Hamilton Houston Institute for Race and Justice (MA)
Susan J. Carstens, Psy.D., L.P. Juvenile Specialist, Crystal Police Dept. (MN)
The Honorable Alice L. Bordsen, North Carolina State Representative
Cory A. Booker, Mayor, Newark, NJ
Michael R. Bloomberg, Mayor, New York City
Maggie Gyllenhaal, Actress (NY)
Star Jones, lawyer and television personality (NY)
Russell Wendell Simmons, Chairman, Rush Communications (NY)
Tony Roshan Samara, George Mason University (VA)
Earle Williams, Psy.D., Hampton University (VA)

Additional Activities and Support for the Youth PROMISE Act

A national coalition developed in support of the Youth PROMISE Act, and held regular meetings over the course of 3 years to promote the legislation.

Film producer Cash Warren, Baron Davis and actress Jessica Alba joined Representatives Scott and Castle on May 6, 2009 at the Capitol Visitors Center for a film screening, discussion of the need for youth violence prevention legislation and support for the Youth PROMISE Act. The next day, on May 7, 2009, advocates from across the country came together to promote the Youth PROMISE Act at a national summit and Youth PROMISE Act day on Capitol Hill.

The Peace Alliance, an alliance of organizers and advocates throughout the United States, adopted the Youth PROMISE Act as a top priority for its legislative agenda, organizing Hill briefings, field hearings, mobilizing celebrity support, and working with Ben and Jerry's to develop a national campaign in support of the Youth PROMISE Act. More about the Peace

Alliance's efforts is available on the Campaign website at: http://www.youthpromiseaction.org/

Prominent entertainment, sports and political figures came together to urge support for passage of the Youth PROMISE Act in a "viral video," available at: http://www.youtube.com/watch?v=wh3c6ZpGrio

Supporters of the Youth PROMISE Act and stars from the viral video debuted the video and spoke in support of the Youth PROMISE Act at the Capitol Visitors Center in Washington, D.C. on May 26, 2010.

HEARINGS

The Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on July 15, 2009, on H.R. 1064. Testimony was received from Marian Wright Edelman, President and Founder, Children's Defense Fund; Deborah Prothrow-Stith, MD, Consultant, Spencer Stuart; Leroy D. Baca, Sherriff, Los Angeles County; David B. Muhlhausen, Ph.D., Senior Policy Analyst, Center for Date Analysis, The Heritage Foundation; and Tracy Velázquez, Executive Director, Justice Policy Institute.

COMMITTEE CONSIDERATION

On October 29, 2009, the Subcommittee on Crime, Terrorism, and Homeland Security met in open session and ordered the bill H.R. 1064 favorably reported, by voice vote, a quorum being present. On December 16, 2009, the full Committee met in open session and ordered the bill H.R. 1064 favorably reported with an amendment, by a rollcall vote of 17 to 14, a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that the following rollcall votes occurred during the Committee's consideration of H.R. 1064:

1. Motion to table an appeal of the Chair's ruling that an amendment offered by Mr. Forbes to add enhanced criminal penalties to the bill was non-germane. Agreed to 16 to 14.

ROLLCALL NO. 1

	Ayes	Nays	Present
Mr. Conyers, Jr., Chairman	X		
Mr. Berman	X		
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren			
Ms. Jackson Lee	X		
Ms. Waters			
Mr. Delahunt			
Mr. Wexler			
Mr. Cohen	X		
Mr. Johnson	X		
Mr. Pierluisi	X		
Mr. Quigley	X		
Ms. Chu			

ROLLCALL NO. 1—Continued

	Ayes	Nays	Present
Mr. Gutierrez			
Ms. Baldwin	X		
Mr. Gonzalez			
Mr. Weiner	X		
Mr. Schiff	X		
Ms. Sánchez	X		
Ms. Wasserman Schultz	X		
Mr. Maffei	X		
Mr. Smith, Ranking Member		X	
Mr. Sensenbrenner, Jr.			
Mr. Coble		X	
Mr. Gallegly		X	
Mr. Goodlatte		X	
Mr. Lungren		X	
Mr. Issa		X	
Mr. Forbes		X	
Mr. King		X	
Mr. Franks		X	
Mr. Gohmert		X	
Mr. Jordan			
Mr. Poe		X	
Mr. Chaffetz		X	
Mr. Rooney		X	
Mr. Harper		X	
Total	16	14	

2. Motion to report H.R. 1064 favorably, as amended. Passed 17 to 14.

ROLLCALL NO. 2

	Ayes	Nays	Present
Mr. Conyers, Jr., Chairman	X		
Mr. Berman	X		
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren			
Ms. Jackson Lee	X		
Ms. Waters			
Mr. Delahunt	X		
Mr. Wexler			
Mr. Cohen	X		
Mr. Johnson	X		
Mr. Pierluisi	X		
Mr. Quigley	X		
Ms. Chu	X		
Mr. Gutierrez			
Ms. Baldwin	X		
Mr. Gonzalez			
Mr. Weiner	X		
Mr. Schiff	X		
Ms. Sánchez	X		
Ms. Wasserman Schultz	X		
Mr. Maffei			
Mr. Smith, Ranking Member		X	
Mr. Sensenbrenner, Jr.			
Mr. Coble		X	
Mr. Gallegly		X	
Mr. Goodlatte			
Mr. Lungren		X	

ROLLCALL NO. 2—Continued

	Ayes	Nays	Present
Mr. Issa		X	
Mr. Forbes		X	
Mr. King		X	
Mr. Franks		X	
Mr. Gohmert		X	
Mr. Jordan		X	
Mr. Poe		X	
Mr. Chaffetz		X	
Mr. Rooney		X	
Mr. Harper		X	
Total	17	14	

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1064, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 26, 2010.

Hon. JOHN CONYERS, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1064, the "Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act."

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

DOUGLAS W. ELMENDORF, *Director.*

Enclosure.

H.R. 1064—Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act.

SUMMARY

H.R. 1064 would authorize the appropriation of $886 million over the 2010–2014 period, mostly for the Department of Justice (DOJ) to make grants to State, local, and tribal governments for programs to reduce juvenile delinquency and improve the juvenile justice system. In addition, CBO estimates that the bill would authorize the appropriation of $300 million annually over the 2010–2014 period for DOJ to make Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education (PROMISE) grants to local and tribal governments to implement initiatives to reduce juvenile crime.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 1064 would cost about $1.9 billion over the 2010–2015 period and another $500 million in subsequent years. Enacting the bill would not affect direct spending or revenues.

This bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 1064 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

By Fiscal Year, in Millions of Dollars

	2010	2011	2012	2013	2014	2015	2010–2010
CHANGES IN SPENDING SUBJECT TO APPROPRIATION							
PROMISE Grants							
Estimated Authorization Level	300	300	300	300	300	0	1,500
Estimated Outlays	45	171	240	195	255	264	1,170
Other Programs							
Authorization Level	205	168	169	171	173	0	886
Estimated Outlays	20	75	115	146	175	155	686
Total Changes							
Estimated Authorization Level	505	468	469	471	473	0	2,386
Estimated Outlays	65	246	355	341	430	419	1,856

BASIS OF ESTIMATE

H.R. 1064 would authorize the appropriation of $300 million in 2010 for grants to local and tribal governments for planning, assessing, and developing initiatives to reduce juvenile crime (PROMISE assessment and planning grants). In addition, the bill would authorize the appropriation of such sums as necessary for each year over the 2011–2014 period for DOJ grants to local and tribal governments to implement the initiatives (PROMISE implementation grants). CBO estimates that the implementation grants would require annual funding equal to the amount provided by the bill to plan the initiatives—$300 million per year over the 2011–2014 period.

In addition, H.R. 1064 would authorize the appropriation of specific amounts totaling $886 million over the 2010–2014 period, mostly for DOJ to make grants to State, local, and tribal governments for programs to reduce juvenile delinquency and improve the juvenile justice system.

For this estimate, CBO assumes that H.R. 1064 will be enacted during fiscal year 2010. We assume that the authorized and estimated amounts will be appropriated near the start of each fiscal year (except 2010) and that spending will follow the historical spending patterns for those activities. We assume that supplemental appropriations for 2010 would be enacted.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

This bill contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments. Those governments would benefit from the authorization of appropriations in this bill for grants and technical assistance. Any costs to those governments would be incurred voluntarily as conditions of Federal assistance.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Samuel Wice.

ESTIMATE APPROVED BY:

Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 1064 will prevent and intervene in juvenile delinquency and youth gang violence by providing resources for evidence-based and promising programs to help youth lead productive, safe, healthy, gang-free, and law-abiding lives.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, clause 1 of the Constitution.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 1064 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

SECTION-BY-SECTION ANALYSIS

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short title. Section 1 sets forth the short title of the bill as the "Youth Prison Reduction through Opportunities, Mentoring,

Intervention, Support, and Education Act" or "Youth PROMISE Act."

Sec. 2. Table of Contents. Section 2 sets forth the table of contents for the bill. *Sec. 3. Definitions.* Section 3 of the bill defines nine key terms in the bill. Section 3(1) defines "Administrator" as the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Section 3(2) defines the term "community" for the purpose of applying for a grant under the Act. Section 3(3) defines "designated geographic area" in a manner consistent with the United States Postal Service. Section 3(4) defines "evidence-based" in a manner consistent with use of the term by the Department of Justice and research experts in the field of juvenile and criminal justice. Section 3(5) defines "intervention" in a manner consistent with use of the term by the Department of Justice and experts in the fields of juvenile and criminal justice. Section 3(6) defines "juvenile delinquency and criminal street gang activity prevention" to clarify these goals under the Act. Section 3(7) defines "promising" in a manner consistent with use of the term by the Department of Justice and experts in the fields of juvenile and criminal justice. Section 3(8) defines "State" to include all States, the District of Columbia, the Commonwealth of Puerto Rico, and all islands, territories or possessions of the United States. Section 3(9) defines "youth" to include all individuals 18 years of age or younger, and all individuals subject to the jurisdiction of the juvenile justice system in any State.

Title I. Federal Coordination of Local and Tribal Juvenile Justice Information and Efforts.

Sec. 101. Promise Advisory Panel. Section 101 of the bill amends section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 to create a Federal PROMISE Advisory Panel. The Panel is charged with assessing successful evidence-based and promising practices related to juvenile delinquency and criminal street gang activity. The Panel is to assist the OJJDP in selecting PROMISE community grantees. The Panel will also develop standards for the evaluation of juvenile delinquency and criminal street gang activity prevention and intervention approaches carried out under the PROMISE Act. Eighteen months after the Youth PROMISE Act is enacted, and annually thereafter, the Panel is to submit a report of its findings regarding successful evidence-based and promising practices and approaches related to juvenile delinquency and criminal street gang activity prevention and intervention to Congress.

Sec. 102. Geographic Assessment of Resource Allocation. Section 102 of the bill provides for specific data collection in each designated geographic area to assess the needs and existing resources for juvenile delinquency and criminal street gang activity prevention and intervention. This data will inform the strategic geographic allocation of resources provided under the Act to the areas with the greatest need for assistance.

Title II. PROMISE Grants.

Sec. 200. Section 200 outlines the purposes of the PROMISE grant programs established under Title II of the Act.

Subtitle A. PROMISE Assessment and Planning Grants.

Sec. 201. PROMISE Assessment and Planning Grants Authorized. Section 201 establishes grants to local and tribal communities to assist the PROMISE Coordinating Council in assessing the needs and strengths of juvenile delinquency and criminal street gang activity prevention and intervention resources in the community. Based on that assessment, the PROMISE Coordinating Councils then develop plans, which include a comprehensive array of evidence-based and promising prevention and intervention programs. Each planning grant awarded under this section has a maximum 1-year duration, and a $300,000 maximum amount.

Sec. 202. PROMISE Coordinating Councils. Section 202 establishes the eligibility requirements for the PROMISE Coordinating Councils. This section also outlines the membership composition of the Councils.

Sec. 203. Needs and Strengths Assessment. Section 203 describes the strengths and needs assessment of the community resources, which the PROMISE Coordinating Councils will conduct. This section also sets parameters for use of the information collected under this assessment: the information may be used for the sole purpose of developing a PROMISE plan in accordance with this subtitle of the Act.

Sec. 204. PROMISE Plan Components. Section 204 describes the PROMISE Plans that the PROMISE Coordinating Councils develop under the Act. The Plans are responsive to the needs and strengths of the community; they reflect the community's linguistic and cultural needs; and they employ approaches that have been proven effective in preventing and reducing involvement in juvenile delinquency, youth violence and criminal street gang activity. The Plans also identify the availability of local funds for program implementation; provide strategies to improve the delivery of indigent defense, especially for groups of youth who are disproportionately represented in the juvenile and criminal justice systems; and provide training for attorneys and members of the legal system who interact with youth in the juvenile justice system. The Plan must ensure that the number of youth in the juvenile and criminal justice systems does not increase as a result of the activities undertaken with the funds provided under this subtitle. This section also outlines several voluntary components of the PROMISE Plans.

Sec. 205. Authorization of Appropriations. Section 205 establishes the authorization for this subtitle and for section 102 of the bill.

Subtitle B. PROMISE Implementation Grants.

Sec. 211. PROMISE Implementation Grants Authorized. Section 211 establishes grants, which the Administrator of the Office of Juvenile Justice and Delinquency Prevention will award to units of local government and Indian Tribes to assist the PROMISE Coordination Councils with the implementation of the PROMISE Plans. Each grant awarded under this section has a maximum 4-year duration, and a $10,000,000 maximum amount. This section also requires the contribution of non-Federal funds to implement the activities and programs supported by the grant.

Sec. 212. PROMISE Implementation Grant Application Requirements. This section outlines the required contents for the implementation grant applications. The implementation plans must de-

scribe the activities the grants funds will support, and the anticipated outcomes of the investment in such activities. The plans also must identify potential criminal justice and related cost savings that will be obtained from the prevention of juvenile delinquency and criminal street gang activity. After identifying the savings to be obtained, the plans must describe the reinvestment of those savings in the PROMISE Plan's ongoing implementation.

Sec. 213. Grant Award Guidelines. This section describes the selection and distribution of grant awards under this subtitle. This section charges the Administrator with ensuring that grants are awarded to the areas of greatest need. This section also outlines the possibility of a PROMISE implementation grant award extension, and a grant award renewal.

Sec. 214. Reports. Section 214 requires implementation grant recipients to report to the Administration on an annual basis about the funds used to implement the PROMISE plan.

Sec. 215. Authorization of Appropriations. Section 215 authorizes the appropriation of such sums as may be necessary to carry out this subtitle.

Subtitle C. General PROMISE Grant Provisions.

Sec. 221. Non-Supplanting Clause. Section 221 requires that a grant recipient under this title may only use the grant to supplement, and not supplant, the amount of funds available to support youth in the community with respect to juvenile delinquency and criminal street gang activity prevention and intervention.

Sec. 222. Grant Application Review Panel. Section 222 provides for a national evaluation of PROMISE plan programs and activities.

Title III. PROMISE Research Centers.

Sec. 301. Establishment of the National Research Center for Proven Juvenile Justice Practices. Section 301 establishes a National Research Center for Proven Juvenile Justice Practices. This Center will collect and disseminate information to PROMISE Coordinating Councils and the public on current research and other information about evidence-based and promising practices related to juvenile delinquency and criminal street gang activity.

Sec. 302. Grants for Regional Research Proven Practices Partnership. Section 302 provides for regional academic research partners to assist the PROMISE Coordinating Councils in developing their assessments and plans.

Title IV. Youth-Oriented Policing Services.

Sec. 401. Purpose. This section establishes the purpose of Youth-Oriented Policing Services. The purpose is to provide funding for youth-oriented community-based law enforcement to coordinate with PROMISE Coordinating Councils and other community-based organizations to prevent and intervene in the involvement of youth in juvenile delinquency and criminal street gang activity.

Sec. 402. Definitions. Section 402 defines "youth-oriented policing service." This section also defines "SARA model," which is a problem-solving technique used in youth- oriented policing services.

Sec. 403. Grants to State, Local, and Tribal Law Enforcement Agencies to Hire and Train Youth-Oriented Policing Officers. Sec-

tion 403 provides that the Director of the Office of Community Oriented Policing Services shall award grants for the hiring and training of Youth Oriented Policing officers to help prevent and address juvenile delinquency and criminal street gang activity. A grant awarded under this section has a 4-year duration, and shall not exceed $2,000,000.

Sec. 404. Establishment of a Center for Youth-Oriented Policing. Section 404 establishes a Center for Youth Oriented Policing, which will be responsible for identification, development and dissemination of information related to strategic policing practices and technologies to law enforcement agencies related to youth.

Sec. 405. Authorization of Appropriations. Section 405 authorizes appropriations to carry out this title.

Title V. Enhanced Federal Support of Local Law Enforcement.

Subtitle A. Comprehensive Gang Prevention and Relief.[25]

Sec. 501. Short Title. Section 501 sets out this subtitle as "Mynisha's Law."

Sec. 502. Designation as a Comprehensive Gang Prevention and Relief Area. This section provides for the application by units of local government and Indian Tribes with a PROMISE Coordinating Council for designation as a Comprehensive Gang Prevention and Relief Area.

Sec. 503. Interagency Gang Prevention Task Force. Section 503 provides for Federal coordination and collaboration through an interagency task force, including representatives from the Departments of Justice, Education, Labor, Health and Human Services, Housing and Urban Development. This task force is charged with identifying and coordinating access to Federal gang prevention resources, and low-income affordable housing.

Sec. 504. Authorization of Appropriations. This section authorizes appropriation of such sums as may be necessary to carry out the purposes of this subtitle.

Subtitle B. Community and Police Collaboration.

Sec. 511. Gang Prevention Grants. Section 511 authorizes the Office of Community Oriented Policing Services to award grants to local and tribal governments with a PROMISE Coordinating Council to develop community-based programs that provide crime prevention, research, and intervention services designed for gang members and at-risk youth. A grant under this section may not exceed $1,000,000. Grant recipients under this section shall report to the Director of the Office of Community Oriented Policing Services on an annual basis. This section also authorizes the appropriations for grants under this section.

Subtitle C. City Youth Violence Recovery.[26]

Sec. 521. Grants to Prevent or Alleviate the Effects of Youth Violence. This section authorizes the Attorney General, in consultation with the Secretary of Health and Human Services, to award grants to facilitate partnerships between State mental health authorities

[25] This subtitle incorporates legislation introduced by Senator Barbara Boxer, S. 208.

[26] This subtitle incorporates legislation introduced by Rep. John Larson in the 110th Congress, H.R. 854.

and local public or private entities to prevent or alleviate the effects of youth violence in urban communities. Grants under this section provide violence-prevention education, mentoring, counseling, and mental health services to children and adolescents. This section also authorizes appropriations to carry out the section.

Title VI. PRECAUTION ACT.[27]

Sec. 601. Short Title. Section 601 establishes this title of the bill as the "Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2009," or the "PRECAUTION Act of 2009."

Sec. 602. Purposes. Section 602 describes the purposes of the PRECAUTION Act, including the promotion of effective and culturally appropriate Federal, State and local crime prevention and intervention strategies, the assessment of such strategies, the provision of resources to promote such strategies, and the reduction of the costs that rising violent crime imposes on interstate commerce.

Sec. 603. Definitions. Section 603 defines the terms "Commission," "rigorous evidence," and "subcategory" for the purpose of title VI.

Sec. 604. National Commission on Public Safety through Crime and Delinquency Prevention. Section 604 creates a national commission on crime prevention and intervention strategies to coordinate the data and research on crime prevention and intervention; identify programs that are ready for replication around the country; and, provide guidance to state and local law enforcement about the implementation of crime prevention and intervention strategies. The commission is charged with identifying promising areas of crime prevention and intervention programming that could benefit from further research and development.

Sec. 605. Innovative Crime and Delinquency Prevention and Intervention Strategy Grants. Section 605 provides that the Director of the National Institute of Justice may award grants to public and private entities to fund the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies. A grant under this section has a maximum 3-year duration, and shall not exceed $2,000,000. Section 605 also authorizes appropriations to carry out this subsection.

Title VII. Additional Improvements to Juvenile Justice.

Sec. 701. Youth Victim Witness Assistance Program. Section 701 increases Federal support for witness and victim protection programs by providing an additional authorization of $5,000,000 to be appropriated for juvenile victim and witness protection programs.

Sec. 702. Expansion and Reauthorization of the Mentoring Initiative for System- Involved Youth. Section 702 provides for an expansion of the Federal mentoring initiative for system-involved youth under the Juvenile Justice and Delinquency Prevention Act.

Sec. 703. Study on Adolescent Development and Sentences in the Federal System. Section 703 requires the United States Sentencing Commission to conduct a study on adolescent brain development and culpability; recidivism of juveniles who are released from pris-

[27] This title incorporates legislation introduced by Senator Russ Feingold, S. 3160.

on or detention; and, the appropriateness of sentences of life without parole for minor offenders in the Federal system.[28]

Sec. 704. Partnerships with Professional Athletic Leagues. Section 704 provides that the Attorney General may establish a program in collaboration with national professional sports leagues and players to address youth violence and crime. This section also provides that if such a program is established, the Attorney General shall conduct a study within 1 year of enactment of the Act of the potential for reducing youth violence and crime through such collaborations with professional sports organizations and players.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

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TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

* * * * * * *

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

* * * * * * *

STATE PLANS

SEC. 223. (a) * * *

* * * * * * *

(f) TECHNICAL ASSISTANCE.—

[(1) IN GENERAL.—The Administrator shall provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under subsection (a)(3) to assist such organization to carry out the functions specified in paragraph (2).]

(1) ORGANIZATION OF STATE ADVISORY GROUP MEMBER REPRESENTATIVES.—The Administrator shall provide technical and financial assistance to a nonpartisan, nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986, to assist such organization in carrying out the functions specified in paragraph (2). To receive such assistance, an organization shall—

(A) be governed by individuals who—

[28] H.R. 1064 was introduced and ordered to be reported before the United States Supreme Court decided Graham v. Florida, 560 U.S. 15 (2010), in which the Court held that it is unconstitutional to sentence juvenile offenders to life imprisonment without parole for non-homicide offenses. The Court has yet to rule on the constitutionality of life without parole sentences for juveniles for homicide offenses.

(i) have been appointed by a chief executive of a State to serve as a State advisory group member under subsection (a)(3); and

(ii) are elected to serve as a governing officer of such organization by a majority of the Chairs (or Chair-designees) of all such State advisory groups;

(B) include member representatives from a majority of such State advisory groups, who shall be representative of regionally and demographically diverse States and jurisdictions; and

(C) annually seek appointments by the chief executive of each State of one State advisory group member and one alternate State advisory group member from each such State to implement the advisory functions specified in subparagraphs (D) and (E) of paragraph (2), including serving on the PROMISE Advisory Panel, and make a record of any such appointments available to the public.

(2) ASSISTANCE.—To be eligible to receive such assistance, such organization shall agree to carry out activities that include—

(A) * * *

* * * * * * *

[(D) advising the Administrator with respect to particular functions or aspects of the work of the Office; and**]**

(D) advising the Administrator with respect to particular functions or aspects of the work of the Office, and appointing a representative, diverse group of members of such organization under paragraph (1) to serve as an advisory panel of State juvenile justice advisors (referred to as the "PROMISE Advisory Panel") to carry out the functions specified in subsection (g); and

* * * * * * *

(g) PROMISE ADVISORY PANEL.—

(1) FUNCTIONS.—The PROMISE Advisory Panel required under subsection (f)(2)(D) shall—

(A) assess successful evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention carried out by PROMISE Coordinating Councils under such Act;

(B) provide the Administrator with a list of individuals who have experience in administering or evaluating practices that serve youth involved in, or at risk of involvement in, juvenile delinquency and criminal street gang activity, from which the Administrator shall select individuals who shall—

(i) provide to the Administrator peer reviews of applications submitted by units of local government and Indian tribes pursuant to title II of such Act, to ensure that such applications demonstrate a clear plan to—

(I) serve youth as part of an entire family unit; and

(II) coordinate the delivery of service to youth among agencies; and

(ii) advise the Administrator with respect to the award and allocation of PROMISE Planning grants to local and tribal governments that develop PROMISE Coordinating Councils, and of PROMISE Implementation grants to such PROMISE Coordinating Councils, pursuant to title II of such Act;

(C) develop performance standards to be used to evaluate programs and activities carried out with grants under title II of the Youth PROMISE Act, including the evaluation of changes achieved as a result of such programs and activities related to decreases in juvenile delinquency and criminal street gang activity, including—

(i) prevention of involvement by at-risk youth in juvenile delinquency or criminal street gang activity;

(ii) diversion of youth with a high risk of continuing involvement in juvenile delinquency or criminal street gang activity; and

(iii) financial savings from deferred or eliminated costs, or other benefits, as a result of such programs and activities, and the reinvestment by the unit or Tribe of any such savings; and

(D) provide the Center for Youth-oriented Policing with a list of individuals the Panel recommends for membership on the Youth-oriented Policing Services Advisory Board, pursuant to section 403(c) of the Youth PROMISE Act.

(2) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of the Youth PROMISE Act, and annually thereafter, the PROMISE Advisory Panel shall prepare a report containing the findings and determinations under paragraph (1)(A) and shall submit such report to Congress, the President, the Attorney General, and the chief executive and chief law enforcement officer of each State, unit of local government, and Indian Tribe.

* * * * * * *

PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

SEC. 261. GRANTS AND PROJECTS.

(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States. *Within 6 months of the date of enactment of the Youth PROMISE Act, the Administrator shall expand the number of sites receiving such grants from 4 to 12.*

* * * * * * *

PART F—GENERAL AND ADMINISTRATIVE PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 299. (a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—**[**(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2003, 2004, 2005, 2006, and 2007.**]**

(1) There are authorized to be appropriated to carry out this title—

(A) $6,800,000 for fiscal year 2010;
(B) $7,800,000 for fiscal year 2011;
(C) $8,800,000 for fiscal year 2012;
(D) $11,000,000 for fiscal year 2013; and
(E) $13,600,000 for fiscal year 2014.

* * * * * * *

(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—**[**There are authorized**]**

(1) IN GENERAL.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 2003, 2004, 2005, 2006, and 2007.

(2) AUTHORIZATION OF APPROPRIATIONS FOR MENTORING INITIATIVE.—There are authorized to be appropriated to carry out the Mentoring Initiative for System-Involved Youth Program under part E $4,800,000 for each of fiscal years 2010 through 2014.

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VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

* * * * * * *

TITLE III—CRIME PREVENTION

* * * * * * *

Subtitle Q—Community-Based Justice Grants for Prosecutors

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SEC. 31702. USE OF FUNDS.

Grants made by the Attorney General under this section shall be used—

(1) * * *

* * * * * * *

(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs*, including juvenile witness and victim protection programs,* to pre-

vent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.

* * * * * * *

[SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated $20,000,000 for each of the fiscal years 2008 through 2012 to carry out this subtitle.**]**

SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 for each of the fiscal years 2010 through 2014 to carry out this subtitle.

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DISSENTING VIEWS

We oppose H.R. 1064, which creates a series of redundant and burdensome grant programs, offices, boards, and studies to address youth crime and gang prevention and authorizes over $1.23 billion in new spending.

While we agree with the majority that evidence-based, effective crime prevention programs play a critical role in deterring our youth from participating in gangs, prevention alone is not the answer to quelling the escalating gang violence in America. We must also equip the nation's law enforcement officers and prosecutors with the ability to suppress gang violence and gang recruitment.

The Youth PROMISE Act ("Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act") seeks to "provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention." H.R. 1064 purports to do so primarily through the creation of (1) PROMISE Assessment Grants, and later, (2) PROMISE Implementation grants, to state/local/tribal government. Both grants would be funded through the grant authority of the Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) after coordination with *newly-created* State Advisory Groups, a PROMISE Advisory Panel to OJJDP comprised of members of the State Advisory Road, and local PROMISE Coordinating Councils (PCCs).

The OJJDP PROMISE Advisory Panel is then charged with, among other things, assessing successful prevention and intervention practices carried out by PCCs and developing standards to be used in evaluating the programs. Pursuant to H.R. 1064, OJJDP's Administrator may award a grant on a competitive basis, up to $1,000,000, to collect and analyze data related to existing juvenile delinquency and criminal street gang activity intervention and prevention programs, use the data to compile a list of designated geographic areas that are in need of resources on juvenile delinquency and criminal street gang activity, and rank those designated in descending order by the amount of need for resources for such intervention.

H.R. 1064 proposes to authorize one-year PROMISE Assessment grants of up to $300,000, predicated on the creation of a PCC that would conduct localized needs and strengths assessment that would be mandated to look at, among the number of at-risk youth, the number of youth involved in juvenile delinquency and/or street gangs, summer youth unemployment, an estimate of those on public welfare in the area, an estimate of the total costs for incarceration of inmates in the local area including a comparison to other areas nationwide, and a description of promising intervention and prevention practices in use or proposed for the area. The bill proposes to authorize $300,000,000 for PROMISE Assessment grants for FY 2010.

The bill further authorizes four-year PROMISE Implementation grants of up to $10 million for any local government unit, predicated on prior receipt of a Youth PROMISE Assessment grant and an application that documents the intended use of the grant and any estimated efficiencies in criminal justice spending and estimated reduction in crime based on the intervention and prevention

program(s) supported by the grant. H.R. 1064 does not provide an authorized amount for the implementation grants, but rather includes "such sums as may be necessary" language for the grants. The 2007 version of the Youth PROMISE Act introduced by Chairman Scott authorized $2 billion to be appropriated for implementation grants from 2010–13.

The bill also creates a National Research Center for Proven Juvenile Justice Programs to collect, analyze, and disseminate intervention and prevention best practices to and from PROMISE Coordinating Council. The bill further authorizes for appropriation $100 million in grants to state/local/tribal law enforcement governments to hire "Youth Oriented Police" (YOPS), trained through the creation of a national Center for Youth Oriented Policing. Grant authority for YOPS would be modeled after and administered by DOJ's COPS administrator. In addition, the bill seeks to create a National Commission on Public Safety through Crime and Delinquency Prevention to conduct a study and issue a report on the effectiveness of crime and delinquency prevention and intervention strategies.

H.R. 1064 PROPOSES A REDUNDANT AND COSTLY APPROACH TO PREVENTION

Unfortunately, H.R. 1064 goes far beyond simply authorizing Federal assistance for community prevention programs. The bill proposes to implement broad-sweeping, nationalized programs to address youth crime and gang prevention. H.R. 1064 creates 11 new grant programs, a multitude of new layers of bureaucracy, and over a dozen new reports, studies, evaluations, and assessments. All of this comes with a price tag of over 1 and a quarter BILLION dollars,[1] with much of the funding targeted towards studying, analyzing, and assessing prevention techniques and less for funding actual youth crime prevention programs.

H.R. 1064 also legislates its one-size-fits all approach in a vacuum. The bill approaches youth crime and gang prevention as if no such program on this subject exists. On the contrary, dozens of local government and non-profit programs across the country are reaching children every day. Yet, under the Youth PROMISE Act, the local government programs will have to be set aside or scrapped and replaced with the Youth PROMISE programs in order to receive any of the bulk of the authorized funding.

And non-profit, community-based programs are all but left out of this legislation. Of the 11 new grants created by this bill, only one—the Innovative Crime and Delinquency Prevention and Intervention Strategy Grant—can be awarded to private organizations. Likewise, a number of these grants fund studies by NGOs and educational institutions rather than putting money in the hands of community programs that are currently helping young people avoid a life of crime and gang involvement.

Section 102—new grant program to assess "designated geographic areas" in need of funding.

[1] The bill specifically authorizes $1,230,750,000 in new spending while authorizing two provisions for "such sums" as may be necessary, thus pushing the total authorization above one and a quarter billion dollars.

Section 201—new grant program for PROMISE assessment and planning.

Section 211—new grant program for PROMISE implementation.

Section 223—new grant program for evaluation of PROMISE grants by institutions of higher education.

Section 301—new grant program for a nonprofit NGO to establish the National Research Center for Proven Juvenile Justice Practices.

Section 302—new grant program for institutions of higher education to serve as regional research partners with PROMISE Coordinating Councils.

Section 403—new grant program for the hiring and training of Youth Oriented Policing Officers.

Section 404—new grant program for a NGO to establish a Center for Youth-Oriented Policing.

Section 511—new grant program to award PCC communities with gang prevention grants.

Section 522—new grant program to "eligible entities" to prevent and alleviate the effects of youth violence.

Section 605—new grant program for public and private entities to implement and evaluate innovative crime or delinquency prevention and intervention strategies.

Section 701—expands the use of existing community-based justice grants for prosecutors.

Section 702—expands the breadth of the Mentoring Initiative for System-Involved Youth grants.

Federal grant programs targeted specifically at youth crime and gang prevention also currently exist. The Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP) operates the Gang Reduction Program, the Gang Free Schools and Communities Program, and the Tribal Youth Program, all of which are demonstrating success.

For instance, the OJJDP Youth Gang Prevention Initiative, which includes a Gang Reduction Program (GRP), is "designed to reduce gang activity in target neighborhoods by incorporating *research-based* interventions that contribute to juvenile delinquency and gang activity." Much like Youth PROMISE purports to, the GRP is funding pilot sites in communities with significant program investment, strong indicators of citizen involvement, and high rates of crime and gang activity and integrating Federal, state, and local resources into state-of-the-art practices in prevention, intervention and suppression.[2]

H.R. 1064 creates multiple new layers of bureaucracy within local, tribal and Federal Government and establishes a host of centers, facilities, and partnerships both in and outside government, leading to a myriad of overlapping and duplicative functions.

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[2] *Gang Reduction Program,* OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, U.S. DEPARTMENT OF JUSTICE, *available at* http://www.ojjdp.ncjrs.gov/programs/antigang/index.html.

Section 101—replaces the existing Federal Advisory Committee on Juvenile Justice with a PROMISE Advisory Panel within the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the Justice Department.

Section 202—requires all units of local governments or Indian tribes to establish PROMISE Coordinating Councils (PCC) comprised of 20 members from a broad cross-section of health care, government, juvenile, and community groups in order to be eligible for a PROMISE assessment and planning grant.

Section 211—requires each unit of local government or Indian tribe with a PCC to award a competitive contract to an organization (presumably a NGO) that will "assess the progress" of the government or tribe in addressing the unmet needs of youth in the community.

Section 222—requires the OJJDP Administrator to establish and utilize a transparent, reliable, and valid system for evaluating applications for PROMISE grants.

Section 301—establishes a National Research Center for Proven Juvenile Justice Practices via a grant to a NGO.

Section 302—designates institutions of higher education to serve as regional research partners with PCCs.

Section 404—establishes a Center for Youth-Oriented Policing via a grant to a NGO. The Center will also include a YOPS Advisory Board comprised of 22 members.

Section 504—establishes an Interagency Gang Prevention Task Force to include representatives from DOJ, DOED, DOL, HHS, and HUD.

Section 522—requires the creation of an eligible entity, defined as a "partnership between a State mental health authority and one or more local public or private providers" to receive the new grant created under this section.

Section 604—establishes a National Commission on Public Safety through Crime and Delinquency Prevention.

Section 605—requires the NIJ to designate a full-time employee to oversee the grants under this section. Also requires the grant recipient to utilize an "evaluator" approved by the NIJ employee for the "rigorous" study required by this section.

The requirements on units of local government or Indian tribes to even become eligible for the PROMISE assessment grants are likely cost-prohibitive for most communities, which seek out Federal assistance because they don't have the funds to operate these programs.

H.R. 1064 directs multiple studies, assessments, plans, reports, and evaluations of evidence-based programs to deter juveniles from crime and gangs. This begs the question: Do evidence-based programs to prevent youth from engaging in crime or joining a gang currently exist? If so, why should we expend millions in taxpayer dollars to study what we already know? And can we realistically expect a program proven to work in one community to enjoy the same success nationwide?

Section 101—requires the newly created PROMISE Advisory Panel within OJJDP to annually report to Congress, the President, and Attorney General, as well as to the chief executive officer and chief law enforcement officer of each State, unit of local government, and Indian tribe.

Section 102—requires a NGO to compile a list of "designated geographic areas" that are in need of resources and provide such list to the OJJDP Administrator.

Section 203—requires each PCC to perform an "objective strengths and needs assessment" of the resources of the community. Presumably such assessment must be provided to the OJJDP Administrator to demonstrate compliance with the grant requirements.

Section 204—requires each PCC to develop a PROMISE Plan to coordinate and deliver evidence-based and promising practices for prevention. This section also requires each PCC to partner with an institution of higher education that will provide to the PCC information on evidence-based and promising practices.

Section 211—requires each PCC to award a contract to a NGO to assess the progress of the PCC in implementing its PROMISE Plan.

Section 214—requires each PCC to submit an annual report to the OJJDP Administrator on implementation of PROMISE grants.

Section 223—requires the OJJDP Administrator to evaluate the PROMISE programs and report the results of its evaluation to the National Research Center for Proven Juvenile Justice Practices.

Section 301—requires the National Research Center to create a best practices juvenile justice information-sharing network to disseminate research to PCCs.

Section 404—requires the Center for Youth-Oriented Policing to develop and disseminate a model youth-oriented policing services training program.

Section 505—requires the Interagency Gang Prevention Task Force to submit an annual report to Congress.

Section 604—requires the National Commission on Public Safety through Crime and Delinquency Prevention to study the effectiveness of crime and delinquency prevention and intervention strategies and submit and initial and final report to Congress.

Section 605—requires each grant recipient under this section to conduct a "rigorous study of the effectiveness of the strategy during the 3-year period of the grant for that strategy."

Section 703—directs the U.S. Sentencing Commission to study the appropriateness of sentences for minors in the Federal system.

H.R. 1064 IS DEVOID OF ANY ENFORCEMENT MEASURES

Preventing America's youth from engaging in crime and participating in gangs is a critical component to stemming crime and violence in our communities and breaking the cycle of violence and lawlessness by our children and teens. But prevention is not the only component. If we are serious about dismantling dangerous gangs in our country, we must also have tough enforcement of our laws to suppress the violence brought upon our communities at the hands of criminal street gangs.

The Justice Department's 2009 National Gang Threat Assessment[3] demonstrates the need for tough enforcement. According to the Assessment, "approximately 1 million gang members belonging to more than 20,000 gangs were criminally active within all 50 states and the District of Columbia as of September 2008."[4]

Criminal gangs are responsible for roughly 80 percent of the crime in many cities and towns across the country, including alien smuggling, armed robbery, assault, auto theft, drug trafficking, extortion, fraud, home invasions, identity theft, murder, and weapons trafficking.

"Gang members are the primary retail-level distributors of most illicit drugs. They also are increasingly distributing wholesale-level quantities of marijuana and cocaine in most urban and suburban communities. Some gangs traffic illicit drugs at the regional and national levels; several are capable of competing with U.S.-based Mexican DTOs."[5]

The landscape of suppression and enforcement has changed. Gangs are no longer limited to urban areas. Many rural communities are experiencing a spike in gang activity and gang-related crime and many rural law enforcement agencies lack the resources and training to effectively respond to the influx of gangs into their communities.

Gangs actively recruit new members in our middle and high schools. "Gang activity at schools is rising, in part, because gangs are using middle schools and high schools as venues for recruitment and drug distribution. Law enforcement agencies in several jurisdictions in eastern states report that gangs are directing teenage members who had dropped out of school to reenroll, primarily to recruit new members and sell drugs."[6]

And gang investigators from across the country agree. The National Alliance of Gang Investigators Association opposes the Youth PROMISE Act because it fails to address gang suppression, creates redundant centers and agencies, and fails to implement juvenile justice and education programs that will effectively reduce gang proliferation.

Unfortunately, the majority rejected an amendment offered by Mr. Forbes to include strong gang enforcement provisions in the bill. The amendment revised the existing Federal criminal statute (18 U.S.C. § 521) to prohibit gang crimes that are committed to further the activities of a criminal street gang. It more clearly de-

[3] *National Gang Threat Assessment 2009,* NATIONAL DRUG INTELLIGENCE CENTER, U.S. DEPARTMENT OF JUSTICE, Jan. 2009, *available at* http://www.justice.gov/ndic/pubs32/32146/index.htm.

[4] *Id.*

[5] *Id.*

[6] *Id.*

scribes the elements and penalties for the Federal gang offense and provides important definitions for "criminal street gang" and "gang crime." This language is similar to provisions included in legislation sponsored by the gentleman from California, Mr. Schiff and Senator Feinstein.

CONCLUSION

The suppression and dismantling of violent gangs cannot be solved simply through prevention. It requires a coordinated approach that includes strong enforcement. This legislation fails to acknowledge this, instead relying upon youth crime prevention to quell violent gang activity.

Moreover, this bill seeks to fund these prevention efforts through a veritable hodgepodge of research, government bureaucracies, and new spending. Considering the dire state of our economy and an estimated $12 trillion national debt, we believe it is irresponsible for Congress to approve over a billion dollars in new Federal programs for an issue that is first and foremost the purview of the states. At the very least, Congress should especially avoid creating new programs that authorize over a billion dollars in new Federal spending. We urge our colleagues to oppose this legislation.

LAMAR SMITH.
F. JAMES SENSENBRENNER, JR.
HOWARD COBLE.
ELTON GALLEGLY.
BOB GOODLATTE.
DANIEL E. LUNGREN.
DARRELL E. ISSA.
J. RANDY FORBES.
STEVE KING.
TRENT FRANKS.
LOUIE GOHMERT.
JIM JORDAN.
TED POE.
JASON CHAFFETZ.
TOM ROONEY.
GREGG HARPER.

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