

NATIONAL JUVENILE JUSTICE NETWORK

The Presidential Election

This year has been one of the most tumultuous in recent history as we continue to deal with the twin scourges of a pandemic continuing to rage out of control and outrage over police brutality and killings of BIPOC individuals, as evidenced by the George Floyd case and far too many others. The year has now been capped off by a presidential election that has also been one of the most tumultuous in recent history with President Trump continuing to dispute the results and sow doubt regarding the integrity of our election systems throughout the country and the validity of the results. So where do we go from here? We are at a pivotal time in history when the blinders have been ripped off for many revealing the underbelly of racism permeating our youth justice system. While we have our work cut out for us, we also have an opportunity with the Biden/Harris Administration to move boldly forward in advocating for an agenda to push for transformative changes to the youth justice system. Some of the key areas to seek change at the federal level include the following:

- **COVID-19**

Far too many youth continue to be confined as the numbers of incarcerated youth with COVID-19 rises. More needs to be done to greatly reduce admissions to facilities, remove youth from facilities, and ensure the safety of any youth still remaining. The Administration should act to immediately rescind the harmful 2018 COVID-19 guidance from OJJDP and issue new guidance strongly encouraging a swift reduction in youth confinement. Congress must act to pass new legislation that safeguards any remaining confined youth and provides resources to families and communities for returning youth.

- **The Juvenile Justice and Delinquency Prevention Act (JJDP)**

The JJDP was reauthorized in 2018 but strong, visionary leadership of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is needed to ensure it is implemented effectively and that states continue to remain participants. Congress needs to appropriate the full amount authorized under the Act for Titles II and V - \$176 million, to ensure that states have the capacity to carry out the mandates of the Act, key among them the provisions to remove all youth from adult jails.

- **Reduce Youth Incarceration**

There are many actions Congress can take to reduce youth incarceration including the following: passing the [Counseling Not Criminalization in Schools Act \(S. 4360\)](#), which would prohibit federal funding for hiring or maintaining law enforcement officers in schools thereby reducing the school-to-prison pipeline; incentivize states to remove youth with status offenses from youth detention by removing the Valid Court Order (VCO) exception to the [Deinstitutionalization of Status Offenders](#) (DSO) provision of the Juvenile Justice and Delinquency Prevention Act; and incentivize states to reduce incarceration by establishing laws setting a reasonable minimum age of 12 years (or preferably greater) for juvenile court jurisdiction.

- **Invest in Communities**

Support state efforts to invest in building health communities, such as by ensuring all children and families have access to health care, housing, food, education, and jobs, and resourcing communities to provide alternatives to incarceration, such as restorative justice practices.

- **Ensure Fairness and Equity for Justice Involved Youth**

Congress must ensure strong implementation of the updates to the Racial and Ethnic Disparities (RED) core protection in the Juvenile Justice and Delinquency Prevention Act (JJDP A). Congress should also incentivize states to pass [strong racial impact statement legislation](#).

- **Ensure the Health and Safety of Justice Involved Youth**

End the use of private, for-profit prisons to incarcerate youth and prohibit dangerous practices in all youth facilities, such as isolation and the use of dangerous restraints. Congress should pass the [Justice for Juveniles Act](#), amending the Prison Litigation Reform Act to ensure youth under age 21 have access to the courts in cases of abuse.