

NATIONAL JUVENILE JUSTICE NETWORK

FEDERAL POLICY PRIORITIES

116TH CONGRESS

INTRODUCTION

In the last six months the twin scourges of the novel coronavirus pandemic and racist police brutality have hit our country hard. Police shootings of people of color, unfortunately, are not a new occurrence; youth of color are killed by police far out of proportion to white youth. In 2019, 56% of youth killed by police were Black or Hispanic (10 out of 14; 2 were white, 1 other, and 1 unknown). Although Black Americans account for less than 13% of the U.S. population, they are killed by police at more than twice the rate of white Americans. Hispanic Americans are also killed by police at a disproportionate rate. Nationally, police have shot and killed approximately 1,000 people each year since 2015 when the Washington Post began collecting the data (there is no nationwide government data collection).¹ But the size and scope of the protests since George Floyd's death are a hopeful sign that transformative change is coming. While Congress has finally made some attempts to address this problem, as we detail below, it does not go far enough and we must press them to go further.

Youth of color are not only at risk of police brutality but are disproportionately arrested and sent into the justice pipeline. Once incarcerated, not only do they face the physical and mental dangers associated with being locked up, but they now face a significant health risk from COVID-19. Cases of COVID-19 have been rising rapidly at youth jails and prisons across the country – as of July 8th there were 857 youth and 961 staff infected at youth justice facilities.² Yet none of the federal COVID-19 bills signed into law to date have included funds to help justice-involved youth. However, the House passed the HEROES Act in May and this would provide \$75 million in funds to support justice-involved youth. We urge the Senate to pass this bill as well.

As we have detailed below, more is needed to protect our most vulnerable youth. While we have called on states and localities to release youth from facilities, many still remain. Until they are released, we need congressional oversight of the Office of Juvenile Justice and Delinquency Prevention to force them to ensure these youth are safe and provide guidance to states on how to

¹ "Fatal Force," *The Washington Post*, updated July 1, 2020, <https://wapo.st/2ZdFAJV>.

² Josh Rovner, "COVID-19 in Juvenile Facilities," The Sentencing Project, July 8, 2020, <https://bit.ly/2W3bPt1>.

monitor facilities during this unprecedented health crisis. It is also essential that Congress fully fund the Juvenile Justice and Delinquency Prevention Act (JJDP), which provides vital resources to states to support prevention, diversion, and re-entry community services and programs. Please read below for details on these and other NJJN federal priorities and actions you can take to support them.

FEDERAL PRIORITIES

1. Oversight of OJJDP

NJJN stands deeply opposed to the [guidance](#) belatedly issued by the Office of Juvenile Justice and Delinquency Prevention in May 2020. This guidance endangered the health and well-being of our youth by encouraging states to keep youth locked up. Not only do we urge states not to follow this dangerous guidance, but, instead, we encourage states to release youth from incarceration and provide them the support they need to return to their families and communities.

Additionally, we urge Congress to hold oversight hearings to determine what, if anything, OJJDP is doing to keep our youth safe during the pandemic and beyond. Congress should require OJJDP to, at a minimum, do the following: provide guidance to states for monitoring facilities; support states by helping to collect and publicly report data on the number of youth in each state who are released, tested and have confirmed COVID-19 cases during this emergency; and ensure that OJJDP uses its discretion within the Act to provide states, territories, and tribal nations with as much flexibility as possible to remain participating states during this challenging time.

Take action by signing onto [Act4JJ's letter](#) to Congress asking for oversight of OJJDP.

2. Appropriate Adequate Funding to the States

COVID-19 is not only taking a huge toll on our lives, but it is eviscerating many state budgets leading to even less money for vital youth supports and resources. Much of the federal investment in programs to prevent youth justice involvement, support diversion and justice alternatives, and help justice-involved youth re-enter comes through the Juvenile Justice and Delinquency Prevention Act (JJDP). For this reason, it is alarming that federal JJDP funding is **down by 41.5% since FY 2002**. We call on Congress to fund the JJDP at the fully authorized level for Fiscal Year 2021 by appropriating \$176 million in funding for Title II (state formula grants) and Title V (funds local delinquency prevention programs).

Use [this action alert](#) to urge your legislators to fully fund the JJDP in FY 2021 and ensure that communities have the resources to help youth succeed. Ask your organization to [sign onto this Act4JJ letter](#) urging Congress to fully fund critical youth justice programs in FY 2021.

3. Sign the HEROES Act into Law

On May 15th, the U.S. House of Representatives passed “The Heroes Act” (H.R. 6800) in a vote of 208 to 199. The Senate has yet to act on it. The Heroes Act would provide \$75 million for rapid response grants through Title II of the Juvenile Justice and Delinquency

Prevention Act, which can be used to support a variety of services including testing of young people and staff in facilities, continued access to education, and community supports for youth returning home. It also places restrictions on holding youth pending trial during a national emergency and prioritizes grant funding for states that halt the use of fines and fees in their court systems.

4. Pass Meaningful Policing Legislation

Congress is currently at a stalemate over policing bills in the House and Senate. However, neither bill provides the complete overhaul of policing and the structural racism embedded in it that we need. The House passed [H.R. 7120](#), the George Floyd Justice in Policing Act of 2020 (JPA), on June 25th. Some of the many problems with the JPA include that it does not end qualified immunity, does not eliminate school-based law enforcement, does not prohibit quick-knock raids, and fails to fully eliminate the 1033 program to demilitarize law enforcement agencies. [S. 3985](#), the Justice Act, is an even more problematic bill that has not moved forward in the Senate. It fails to provide strong prohibitions on racial profiling, chokeholds, and no-knock warrants, and creates weak reporting requirements for uses of force. We need to continue to advocate for strong policing overhaul legislation that will work to end the continued attack on Black and Brown bodies and safeguard them instead.

BILLS NJJN SUPPORTS

Several members of the 116th Congress have introduced bills that would further youth justice reform. Below are some key bills that NJJN supports. Please thank the sponsors (and co-sponsors) and help us work to advance them:

- [H.R. 494](#) – **Tiffany Joslyn Juvenile Accountability Block Grant (JABG) Reauthorization and Bullying Prevention and Intervention Act of 2019**
Sponsored by Rep. Sheila Jackson Lee (D-TX-18)

H.R. 494 reauthorizes and revises the Juvenile Accountability Block Grant (JABG) through 2024. JABG allows states to implement effective and age-appropriate accountability to ensure court-involved children receive the services and support they need. These resources include behavioral health screening and assessment as well as alternatives to detention. JABG has been unfunded since 2013, but this Act was unanimously passed by the House of Representatives in the 115th and 116th Congress. We ask the Senate to pass this Act with \$30 million in funding.

- [H.R. 555/S. 117](#) – **Disability Integration Act of 2019 (DIA)**
Sponsored by Rep. F. James Sensenbrenner, Jr. (R-WI-5); Sen. Charles E. Schumer (D-NY)

H.R. 555/S. 117 requires government entities and insurance providers to offer community-based long-term services to individuals with disabilities as an alternative to institutional placement. Government entities and insurance providers are prohibited from denying long-term services to individuals with disabilities if the services will allow the individual to lead an independent life. Additionally, community-based services must be offered before institutionalization.

- **[H.R. 1949](#) – To authorize the court to depart from a statutory minimum in the case of a juvenile offender, and for other purposes.**
Sponsored by Rep. Bruce Westerman (R-AR-4)

H.R. 1949 would allow federal courts to sentence youth to terms that are below the statutory mandatory minimum standards. They would be able to go 35% below the mandatory minimum in ordering a sentence.

- **[H.R. 1950](#) – Sara’s Law**
Sponsored by Rep. Bruce Westerman (R-AR-4)

H.R. 1950 provides that federal courts do not have to give youth mandatory minimum sentences, or can suspend a portion of a sentence, when it involves an offense against someone who trafficked or sexually abused them.

- **[H.R. 1951](#) – To amend title 18, United States Code, to authorize a court to reduce the term of imprisonment imposed on certain defendants.**
Sponsored by Rep. Bruce Westerman (R-AR-4)

H.R. 1951 eliminates life without parole sentences for youth in the federal system.

- **[H.R. 2300](#) – Eliminating Debtor’s Prison for Kids Act of 2019**
Sponsored by Rep. Tony Cardenas (D-CA-29)

H.R. 2300 provides grants to mental and behavioral health programs for at-risk youth in part to incentivize states to stop imposing fines and fees on youth in the juvenile justice system. Funds would also be used to research the effect fines and fees have on the criminal legal system and help policymakers to determine best practices.

- **[H.R. 5053](#) – Justice for Juveniles Act**
Sponsored by Rep. Mary Gay Scanlon (D-PA-5)

H.R. 5053 exempts youth from the requirements of the Prison Litigation Reform Act (PLRA) which helps youth who have experienced abuse or mistreatment in facilities. Under the current guidelines of the PLRA, youth are limited in relief for their suffering due to the obstacles preventing lawsuits against their abusers, and the challenges in obtaining and retaining adequate legal representation. Additionally, this bill protects youth who are held in adult jails and prisons.

- **[H.R. 5325](#) – Ending PUSHOUT Act of 2019**
Sponsored by Rep. Ayanna Pressley (D-MA-7)

H.R. 5325 recognizes the ways in which Black and Brown girls are criminalized and policed at school. The Act establishes federal grants for the purpose of reducing exclusionary disciplinary practices and improving school climates, invests in the protection of the Civil Rights Data Collection, strengthens the Department of Education’s Office of Civil Rights, and prevents the criminalization and pushout of students, especially Black and Brown girls, from schools.