



## **Focus: Reauthorization of the JJDP**

The Federal-State Partnership to Protect Vulnerable Youth and Effectively Respond to Delinquency

### **Defining the Issue**

First enacted in 1974 and most recently reauthorized in 2002 with bipartisan support, the Juvenile Justice and Delinquency Prevention Act (JJDP) sets forth federal standards designed to ensure a minimum level of safety and equitable treatment for youth who come into contact with the courts. The JJDP also establishes a partnership between the federal government and the states for the provision of research, training and technical assistance, financial support and collaborative leadership to adopt evidence-based practices. Almost 40 years later, 55 of 56 U.S. states, territories and the District of Columbia continue to voluntarily participate with the JJDP, and demonstrate its power to protect vulnerable youth, reduce juvenile offending and save taxpayers money.

### **What's at Stake**

Today, the JJDP stands at a crossroads. Since its passage in 1974, research has revealed much about what works and what does not work to prevent and reduce delinquency. Advances in adolescent brain science confirm that children and youth are different from adults and that they should be held accountable in different ways.<sup>i</sup> Research has also judged the practice of trying youth as adults as failed policy, finding that youth prosecuted and imprisoned with adults are more likely to recidivate, recidivate more quickly, and recidivate more seriously than their counterparts retained in the juvenile system.<sup>ii</sup>

We have also learned that in the face of progress, significant challenges remain. Youth incarcerated in juvenile facilities are at serious risk of physical and emotional injury. Youth of color continue to receive disparate treatment at every point along the juvenile justice continuum, from arrest to adjudication to confinement. Girls are the fastest growing segment of juvenile justice systems that are not designed to effectively respond to their behaviors and needs. These developments highlight the importance of strengthening the JJDP so that it is more responsive to contemporary needs and opportunities.

### **About the Juvenile Justice and Delinquency Prevention Act (JJDP)**

The Juvenile Justice and Delinquency Prevention Act (JJDP), established in 1974 and most recently reauthorized in 2002 with bipartisan support, provides for:

- a juvenile justice planning and advisory system spanning all states, territories and the District of Columbia;
- federal funding for delinquency prevention and improvements in state and local juvenile justice programs; and

- operation of a federal agency (OJJDP) dedicated to training, technical assistance, model programs, and research and evaluation, to support state and local efforts.

The JJDPA is based on a broad consensus that children, youth and families involved with the juvenile and criminal courts should be guarded by federal standards for care and custody, while also upholding the interests of community safety and the prevention of victimization.

Under the JJDPA, all states, territories and the District of Columbia must comply with the following core protections:

**Deinstitutionalization of Status Offenders (DSO):** The DSO provision seeks to ensure that status offenders who have not committed criminal offense are not held in secure juvenile facilities for extended periods of time or in secure adult facilities for any length of time. These children, instead, should receive community-based services, such as day treatment or residential home treatment, counseling, mentoring, alternative education and job development support.

**Adult Jail and Lock-up Removal:** Youth may not be detained in adult jails and lock-ups except for limited times before or after a court hearing (6 hours), in rural areas (24 hours plus weekends and holidays), or in unsafe travel conditions. This provision does not apply to children who are tried or convicted in adult criminal court of a felony level offense. This provision is designed to protect children from psychological abuse, physical assault and isolation.

**"Sight and Sound" Separation:** This provision seeks to prevent children from psychological abuse and physical assault. Under "sight and sound," children cannot be housed next to adult cells, share dining halls, recreation areas or any other common spaces with adults, or be placed in any circumstances that could expose them to threats or abuse from adult offenders.

**Disproportionate Minority Contact (DMC):** States are required to assess and address the disproportionate contact of youth of color at all points in the justice system – from arrest to detention to confinement. With youth of color making up one-third of the youth population but two-thirds of youth in contact, this provision requires states to gather information and assess the reason for disproportionate minority contact.

### **What is Needed**

Reauthorization of the JJDPA is five years overdue. JJDPA reauthorization presents Congress and the President with an opportunity not only to reaffirm important safety goals and purposes, but also chart a course for the future of juvenile justice in our nation. We have the blueprint for reform: the U.S. Senate Judiciary Committee passed JJDPA reauthorization legislation with bipartisan support in both the 110<sup>th</sup> (S. 3155) and 111<sup>th</sup> (S. 678) Congresses. Building on this foundation, Congress can and should move quickly to re-introduce and pass JJDPA reauthorization legislation. In doing so, Congress will help to further establish meaningful delinquency prevention and juvenile justice systems that build on the best of what we know. Youth, families, and communities nationwide should not have to wait any longer. The time to act is now.

## **Appropriations and Resource Coordination**

To make legislative and administrative proposals truly actionable, it is essential to resource them and to reverse recent federal divestment in youth violence prevention, delinquency prevention and juvenile justice. We ask that the Congress fully fund the federal programs that support critical state and local strategies. Specifically, we propose the following activities:

- Allocate the resources to effectively implement the Youth PROMISE Act.
- Invest at least \$80 million in the JJDP A Title II State Formula Grant Program and \$65 million in JJDP A Title V Delinquency Prevention Program as core support for these critical state and local programs. JJDP A funds are used effectively for the following purposes among others: “Gun Programs” to reduce unlawful acquisition and illegal use of guns by juveniles; “School Programs,” such as those designed to enhance school climate and safety; and community action planning to put in place continuums of services for high risk youth and families, and to support prevention violence and delinquency.<sup>iii</sup>
- Fund effective implementation of the mental health and criminal justice collaboration grant.<sup>iv</sup> This law, administered by the Department of Justice, authorizes grants to assist with diversion, treatment, and transition services for youth and adults with mental illness who come in contact with law enforcement.

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<sup>i</sup> Coalition for Juvenile Justice, *What Are the Implications of Adolescent Brain Development on Juvenile Justice?* (2006).

<sup>ii</sup> Centers for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*, 56 *Morbidity and Mortality Weekly Report* 1 (2007).

<sup>iii</sup> U.S.C. 42: Juvenile Justice and Delinquency Prevention Act §§221(a), 223(a) and § 501 et.seq.

<sup>iv</sup> See P.L. 108-414, *Mentally Ill Offender Treatment and Crime Reduction Act*.

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