

# Protecting our Children and Communities

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## The Juvenile Justice and Delinquency Prevention Act: An Overview

In 1974, members of Congress joined across party lines to create the Juvenile Justice and Delinquency Prevention Act (JJJPA). This seminal piece of legislation received broad bipartisan support from lawmakers and advocacy groups alike and was a major step towards addressing the ills that existed within our nation's juvenile justice system.

The JJJPA currently has four core requirements that states must comply with in order to receive federal grant funding. Each of these requirements provides an assurance for youth who are involved with the juvenile justice system.

The JJJPA first ensures that youth cannot be incarcerated for status offenses<sup>1</sup>. These behaviors - which include running away from home, skipping school, and coming home after a municipal curfew - violate the law only because the person engaging in them has yet to reach the

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<sup>1</sup> Current law contains an exception whereby children may be detained if the behavior is a violation of a valid court order from a judge. This is often called the valid court order (VCO) exception.

## JJJPA's Core Protections for Youth:

- Deinstitutionalization of youth charged with status offenses;
- Removal of youth from adult jails and lockups;
- Sight and sound separation of adults and youth while incarcerated;
- Address disproportionate minority contact (DMC) within systems.

age of majority. Prior to the JJDP's enactment, youth were regularly incarcerated for these types of behaviors, despite the fact they are often the first sign of a major underlying problem in a young person's home or school.

The law further ensures that the once-common practice of incarcerating youth alongside adults can no longer occur. Further, if - under rare exceptions - adults and youth are detained in the same facility, they must be separated by sight and sound barriers.

In 1992, a fourth protection was added to the Act, requiring that states address disproportionate minority contact (DMC) within their systems. This provision aims to address the racial disparities that continue to exist across the country within our juvenile justice systems. Research shows that youth of color who engage in behaviors that are similar to their white counterparts are more likely to be arrested, less likely to be placed in a diversion program, and more likely to be incarcerated.

The JJDP was last reauthorized in 2002 and expired in 2007. In the 114th Congress, legislation came close to passing both the House and Senate to reauthorize and update the JJDP, and add new accountability measures. Sen. Charles Grassley (R-IA) and Sen. Sheldon Whitehouse (D-RI) shepherded the legislation in the Senate, while Rep. Carlos Curbelo (R-FL) and Rep. Bobby Scott (D-VA) championed the bill in the House.

## Federal Funding Programs & the Office of Juvenile Justice and Delinquency Prevention

In addition to its core protections, the JJDP also created the Office of Juvenile Justice and Delinquency Prevention (OJJDP) as a separate office within the Department of Justice. The creation of this agency served as one of the first steps to recognizing that young people are not miniature adults and that the justice system cannot treat them as such.

OJJDP assists the states by providing policy and guidance on how the JJDP's core protections can and should be carried out. The office also monitors state compliance with the Act and administers federal funds. These funds are then dispersed at the local level by governor-appointed State Advisory Groups (SAGs).

Key federal funding programs established under the JJDP and administered by OJJDP include the following:

### Title II State Formula Grants

Title II of the JJDP supports innovative state efforts to adhere to standards that reduce the risk of harm to court-involved youth, ensure fair treatment of minority

youth, improve the way systems address delinquent behavior, and ensure citizen involvement and expertise through the SAGs. Title II funds must also be used to monitor facilities and ensure that the state maintains compliance with the JJDP.

Title II funds are used by states to create a variety of innovative programming.

**Utah**, for example, uses a portion of its Title II dollars for programs that assist Native youth in Cedar City and youth in West Valley City. In West Valley City, funds helped support an after-school program serving elementary-age youth. These after-school hours are critical as research has shown they are the time during which young people are the most likely to engage in crime. The program served 22 youth during their most recent year.

The Native Youth Program serves five Bands of the Paiute Indian Tribe of Utah in Cedar City. The program served 94 youth between the ages of 5 and 17 during the most recent year. These young people received group and individualized programming after-school and during the summer months with the goal of developing “academic, social and cultural skills, receiv[ing] recognition of their efforts and success, while at the same time associating and bonding with positive adult mentors that set clear standards.”

**New Mexico**, meanwhile, uses federal Title II dollars in conjunction with state allocations. The state has partnered with twenty-two continuum sites, servicing 88 separate programs throughout New Mexico. The \$400,000 they received through Title II are used to supplement programs and services administered through these continuum sites. The Title II funds also provide money for monitoring to help ensure that the state complies with JJDP’s four core protections for youth, as well as helping finance Native American programs, and state planning and administration.

New Mexico’s state legislature helps support these efforts through annual allocations of nearly \$2.8 million to the Juvenile Continuum Grant. The state’s SAG reports that these local allocations enable them to target the use of formula grant funds to JJDP compliance, Native American Pass-through program(s), general administration, and supplementing programs.

In New Mexico alone this approach enabled 8,097 youth statewide to receive services in 2016. Programming focused on delinquency prevention and diversion, mentoring, school-based services, and programs aimed at addressing the unique needs of girls and rural communities.

**Maryland** uses Title II funding to support community conferencing in Baltimore City. This restorative justice program addresses the pressing need for effective community-based juvenile diversion programs to reduce minority over-representation in the juvenile justice system. In Fiscal Year 2016 alone, the program was able to successfully divert 48 young people from the juvenile justice system.

The model engages young people and the person against whom a crime was committed in a conferencing process. It gives the victim a say in deciding outcomes for the case. In 98% of cases, these victims reported that they were satisfied with the outcomes.

The program has been shown to help keep the community safer. Among the youth who participated in community conferencing, 11 percent came back into contact with the juvenile justice system, a figure that is 60 percent lower than that seen among youth who went through the traditional juvenile justice system.

Officials in Maryland report that without Title II funding, the Community Conferencing Center would not be able to provide the same level of services that it currently does and that the number of youth who participate in the program would likely be cut in half.

## Title V Formula Grants

Authorized by the JJDP, Title V is the original federal program specifically designed to prevent delinquency at the local level. To ensure a solid return on investment, the Title V program prioritizes the use of evidence-informed approaches, requires coordination with a statewide plan to ensure strategic use of resources, and leverages the commitment and resources of state and local jurisdictions by requiring that the state and local applicant provide a 50% match. In recent years, all of these funds have been earmarked, limiting states' ability to use them for local programming. This funding source once played an important role in states' ability to provide juvenile justice programs.

**Vermont** previously used these funds in two communities to improve services to students. A truancy reduction program was created through Title V funds in one community and a youth-led experiential learning opportunity was established in another.

**California** has used Title V funds to finance a collaboration between the San Diego County Probation Department and the San Diego Unified School District. These agencies assessed, reviewed, and changed district or school site policies that affected delinquency rates, rates of disparity among youth of color and disciplinary referrals to the Probation Department. The grant's goal was to implement strategies to reduce the number of youth of color who were leaving or being pushed out of school and entering into the justice system. Through extensive data collection and analysis, the San Diego Association of Governments identified and focused their

efforts on four communities, all of which have high rates of juvenile crime and violence, and more than 20% of youth on probation.

## Juvenile Accountability Block Grants

The Juvenile Accountability Block Grant Program (JABG) was not established under the JJDP, but was instead authorized by the Omnibus Crime Control and Safe Streets Act. This once plentiful grant program provided an important resource for states. Money from this program could be used to reduce youthful offending by providing judges, probation officers, case managers, law enforcement and other juvenile justice professionals a range of graduated sanctions for adjudicated youth – including cost-efficient confinement alternatives, for youth involved with the courts. Since FY2014, this funding source has been zeroed out in the federal budget.

**Virginia** used a portion of these dollars in Fairfax County before the funding stream was zeroed out. The money was used to provide a range of services, including training on evidence-based strategies and systems reform. As a result, more than 230 juvenile probation and residential staff were trained on Motivational Interviewing (MI), an evidence-based practice, and the Youth Assessment and Screening Instrument (YASI), a validated risk assessment instrument.

## Federal Funding Through the Years

Federal allocations for these juvenile justice funding streams have already taken a serious hit since the turn of the century. In FY2002, \$546.9 million was provided for juvenile justice programs in the federal budget. In FY2016, that number had plummeted to \$270.16 million, an overall reduction of nearly 50 percent.

A large portion of those cuts resulted from the zeroing out of the JABG program. In FY2002, this fund alone provided \$249.5 million in federal juvenile justice funding to the states. By FY2013, that figure had dropped to \$25 million, and in FY2014, FY2015, and FY 2016 it was zeroed out entirely.

Title V has also taken a hit over the past 14 years. In FY2002, \$94.3 million in Title V funding was made available as part of Congress' budget. By FY2016, that sum was down 81 percent to \$17.5 million. The entirety of the fund was earmarked.

Title II, similarly, has already been cut by \$30 million in recent years. This fund has diminished from \$88.8 million in FY2002 to \$58 million in FY2016.

Some states and communities have been harder hit than others by these cuts. Iowa,

	JJDP A Title II	JJDP A Title V	JABG	Mentoring	Other	Total
FY02	\$88.8	\$94.3	\$249.5	\$16	\$91.5	\$546.9
FY03	\$83.3	\$46.1	\$188.8	\$15.9	\$110.5	\$451.4
FY04	\$83.2	\$79.2	\$59.4	0	\$2.5	\$306.7
FY05	\$83.3	\$79.4	\$54.6	\$14.9	\$9.9	\$346.5
FY06	\$79.2	\$64.4	\$49.5	\$9.9	\$30	\$338.7
FY07	\$79.2	\$64.4	\$49.5	\$9.9	\$30	\$338.7

for example, has seen a 68 percent reduction in juvenile justice funding through federal block and formula grants since the start of the decade. South Carolina has seen its federal allocations for formula and block grants drop by nearly 80 percent.

FY08	\$74.3	\$61.1	\$51.7	\$70	\$32	\$383.6
FY09	\$75	\$62	\$55	\$80	\$20	\$374.7
FY10	\$75	\$65	\$55	\$100	\$37.5	\$423.5
FY11	\$62.3	\$54	\$45.7	\$83	\$31.2	\$276
FY12	\$40	\$20	\$30	\$78	\$94.5	\$262.5
FY13	\$44	\$20	\$25	\$90	\$100.5	\$279.5
FY14	\$55.5	\$15	0	\$85.5	\$88	\$244
FY15	\$55.5	\$15*	\$0	\$90	\$91	\$251.5
FY16	\$58	\$17.5	\$0	\$90	\$104.7	\$270.16
% Difference	-34.7%	-81.4%	-100%	462.5%	14.4%	-50.6%

### Federal Juvenile Justice Funding

All figures shown are in millions.

\* This sum is earmarked as follows: \$5 million for tribal youth, \$3 million for gang and youth violence education and prevention, \$6 million for community-based violence prevention initiatives, and \$1 million for the National Forum on Youth Violence Prevention.

Because of these precipitous drops in funding, the **Colorado Juvenile Justice and Delinquency Prevention Council** has adjusted its funding priorities. The JJDP Council no longer funds programs that provide direct services because the number of youth who can be served with the reduced funding would be so low. Instead, the Council has decided to target its funding to address larger systemic issues such as the need to ensure that young people who pose low risk, but have a high need for services, do not unnecessarily go deeper into the juvenile justice system. They have also placed an increased focus on providing training for professionals such as judges and case managers, and finding ways to build a system that supports Evidence-based Programs and Practices (EBPP). The group hopes that by targeting more system-level improvements, they can maximize their limited funds.

**Maine** has taken a similar approach. As funds have decreased, they have chosen to focus mostly on systems' change. In the past, funds were available to support programs for individual youth and communities and to incentivize community prevention efforts. As funds have decreased though their approach has had to change.

"If funds were further reduced, not only would compliance with the Core Requirements of the Act be threatened, but significant progress in a number of areas would be negatively impacted, too," stated Bartlett Stoodley, Chair of Maine's State Advisory Group. "The Act has resulted in many good things for us, including significant [training and technical assistance] in the areas of risk reduction, adolescent brain development and adverse childhood experiences."

Funding through the JJDPA has also enabled the implementation of statewide-risk reduction strategies, and the creation of diversion programs that focus on a young person's developmental assets. It has enabled training on trauma and adolescent brain development, and the implementation of evidence-based programs for high need/high risk youth.

"And, that is just in Maine: a small state with limited resources," Stoodley said.

## The Path Forward

States are using Title II funding for an array of positive programming that helps reduce crime and make our children and communities safer. By focusing on prevention and system change, states are seeing positive outcomes. Juvenile arrest rates have declined by 65 percent since their peak in 1996. This is in part due to federal investments such as those provided through the JJDPA.

Focused federal funding like that which comes from the JJDPA enables communities to divert instead of detain young people for low-level offenses, thus making them less

likely to come back into contact with the justice system. In addition to these social savings, there are financial ones to be gleaned as well. Incarcerating a child in a juvenile detention facility costs an average of \$240 per day, or nearly \$87,600 per year. Community-based programs, meanwhile, come at a fraction of the cost, and have been shown to have lower recidivism rates.

Already, however, states report that they have to cut back on the number of children they can serve.

As we look for ways to continue making our communities and children safer, federal investment in juvenile justice programming is more important than ever. A continued commitment is needed to ensure that states receive the resources they need to provide quality programming aimed at getting system-involved youth back on track.



To learn more about the Coalition for Juvenile Justice:

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