

# THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

## **INVESTING IN WHAT WORKS**



**Reauthorized and updated in 2018, the JJDPa is and was a bi-partisan response to the ills that exist within our youth justice system.**

In the United States, there is no national, centralized juvenile justice system. Rather, there are more than 56 different juvenile justice systems independently operated by the U.S. states, territories, the District of Columbia, and local governments. Consequently, policies and procedures vary widely from state to state and among local jurisdictions. Too often, the result is a patchwork quilt of juvenile justice systems that has the potential to produce inconsistent outcomes for youth, families and communities, and expose youth to physical, mental, and emotional injury.

In the absence of a centralized system, the federal role in juvenile justice prior to the 1960s was limited and had little impact on the way states dealt with youth at risk of delinquency or accused and adjudicated for a delinquent offense. To address these inconsistencies and to improve outcomes for youth and community safety, in 1974 Congress passed the Juvenile Justice and Delinquency Prevention Act (JJDPa). The JJDPa changed the way states approach juvenile justice.

### **What is the JJDPa?**

The JJDPa creates a federal-state partnership for the administration of juvenile justice and delinquency prevention. It is based on a broad consensus that children, youth and families involved with juvenile and criminal courts should be guarded by federal standards for care and custody, while also upholding the interest of community safety and prevention of victimization. The JJDPa sets forth federal standards to ensure a minimum level of safety and equitable treatment for youth who come into contact with the juvenile justice system. To be eligible for the funds provided under the JJDPa, each state must adhere to four core protections for youth involved with the justice system.

#### **Core Protections:**

The current law includes four core protections that help protect some of our most vulnerable youth:

- Youth cannot be incarcerated for non-delinquent behaviors;
- Youth must be removed from adult jails and lockups;
- Youth who, under rare exceptions, are housed in adult facilities must be separated from adults by sight and sound barriers; and
- States must address racial and ethnic disparities within their youth legal system.

The JJDPA also established the Office of Juvenile Justice and Delinquency Prevention (OJJDP). In order for the federal government to function as a responsive and responsible partner with all states under the JJDPA, it is critical that juvenile justice have a dedicated focus and a “home” within the federal government, distinct from a larger focus on criminal justice. OJJDP is the only federal agency charged with fulfilling this role and its presence is critically important to ensuring that youth are not simply treated as miniature adults.

The JJDPA was reauthorized for the first time in 16 years in December 2018, with unanimous bipartisan support. The reauthorization contained amendments to strengthen the four core protections and reflected new knowledge that has developed in the field. It strengthens the deinstitutionalization of status offenders core protection, and it pivots from measuring disproportionate minority contact to addressing racial and ethnic disparities. It also requires states to stop housing youth in adult facilities pre-trial, and to use evidence-based and trauma-informed practices in their juvenile justice systems. Adequate funding, appropriations, and oversight are required to ensure full implementation of the Act.

The JJDPA will next be up for reauthorization in 2023. Continuing the federal commitment to these programs is more critical now than ever before.

## The Benefits of the JJDPA

**Prevent and reduce delinquency.** Advances in adolescent brain science demonstrate that children and youth are different from adults and that they should be held accountable in different ways. The Supreme Court has also affirmed the differences between youth and adults in recent decisions: (1) *Roper v. Simmons* (2009); (2) *Graham v. Florida* (2010); (3) *J.D.B. v. North Carolina* (2011); and (4) *Miller v. Alabama* (2012). The JJDPA encourages and incentivizes states to invest in evidence and research-based programs that promote accountability and are proven effective.

**Strengthen the protection of youth.** Youth incarcerated in juvenile facilities are at serious risk of physical and emotional injury. According to the Sentencing Project, “Black youth are more than four times as likely as their white peers to be held in juvenile facilities.”<sup>1</sup> Despite Black youth making up only 15% of youth population in the United States, 41% of youth placed in detention centers are Black.<sup>2</sup> Between 1985 and 2009, the number of female delinquency cases, meanwhile, expanded from 19% to 28% of the total number of delinquency cases. Detention facilities, however, are not designed to effectively respond to girls’ behaviors and needs. Other special populations, such as lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth, youth experiencing homelessness, and youth with mental health needs, are also at increased risk of harm in the juvenile justice system.

**Build safe communities for children and families.** By preventing and reducing delinquency, the JJDPA invests in communities. The JJDPA plays a critical role in public safety. The JJDPA provides states with leverage to obtain additional public and private investments to promote the best outcomes for youth.

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2. Rovner, Josh. “Black Disparities in Youth Incarceration.” The Sentencing Project, 15 July 2021, <https://www.sentencingproject.org/publications/black-disparities-youth-incarceration/>.

3. Ehrmann, Samantha, et al. “Girls in the Juvenile Justice System.” Juvenile Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, Apr. 2019, <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/251486.pdf>.