

JJDPA Today

Update on the Status of Reauthorization

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A JJDP Act snapshot

1974: Juvenile Justice and Delinquency Prevention Act (JJDP Act) was Congress' first comprehensive juvenile justice bill. Then and now— 3 main components:

- Created federal agencies to coordinate and administer juvenile justice efforts—the principal federal juvenile justice “home” is OJJDP within OJP. Administrator is confirmed by Congress; charged to work with the States.
- Established grant, research, training and regulatory programs to assist states to: identify delinquency prevention needs, comply with federal requirements, and design and implement juvenile justice system improvements and delinquency prevention programs.
- Set federal standards/core requirements for states to be eligible to receive grant funding: DSO, Jail Removal, Sight and Sound Separation, DMC.

Reauthorization progress... *thus far*

- **Senate bill introduced 2008 in (last) 110th Congress by Senate Judiciary Chair, Patrick Leahy.**
- **Received bipartisan approval by voice vote in the Judiciary Committee Mark-up in July 2008 (S 3155).**
- **JJDPA reauthorization bill has been re-introduced in the 111th Congress by Senator Leahy, incorporating amendments approved in the 2008 Mark-up (S 678).**

Current status of S 678 (Leahy)

- **Bipartisan co-sponsors include Senators Kohl, Durbin, Specter, Collins and Snowe; others in consideration.**
- **Department of Justice has been asked for formal commentary and support of S 678.**
- **Once Senate Judiciary confirmations of judges and Justice nominees are complete, mark-up will be scheduled.**
- **Senate Majority Leader Reid supports Chairman Leahy's lead on the reauthorization.**

What's happening in the House of Representatives?

- **The House Education and Labor Committee, Chaired by Rep. George Miller, is the committee of jurisdiction.**
- **No comprehensive reauthorization legislation yet drafted. Conversations have begun with Chairman Miller's staff and other congressional offices.**
- **A major House bill is expected to move forward – especially with confirmation of OJJDP Administrator and clear signals from the Executive Branch about expectations.**

Bicameral engagement of state and local stakeholders

- Both chambers of Congress are especially receptive and responsive to the views of the states*, State Advisory Group Members and JJDPA staff (Specialists, DMC Coordinators, Compliance Monitors).
- The JJDPA Reauthorization Platform from the Coalition for Juvenile Justice (CJJ) Council of SAGs contains 13 positions, and has been influential; adopted in large measure in the language of S 678.
- Reports from the OJJDP Federal Advisory Committee on Juvenile Justice (FAC-JJ) have further conveyed SAGs' point of view.

Bicameral engagement of state and local stakeholders, cont.

- CJJ's "A Pivotal Moment" survey and recently published report on JJDPa compliance successes and challenges has been delivered to Congress and is of great interest; especially its implications for appropriations and resources.
- The Act-4-JJ Campaign, representing more than 360 organizations, has generated broad-based presence and informed the S 678. Among the organizations involved are law enforcement, child/family service and advocacy groups, and justice practitioners.

CJJ & the Act-4-JJ Campaign

gather input and build consensus

- 3+ years of ongoing discussions with SAG members, specialists, DMC coordinators, compliance monitors.
- Nationwide surveys of juvenile justice practitioners, SAG members, advocates, youth and families.
- Conversations with OJJDP and FAC-JJ members.
- “Think tank” discussions with national researchers and experts.

Key JJDPA reauthorization areas identified for change and leadership...

CJJ has heard repeated concerns from the states about decreased appropriations to support the JJDPA:

- Insufficient funding of research and evaluation, especially for culturally specific and evidence-based/empirically-supported approaches.
- Decreases in federal allocations, especially Title II, Title V and JABG have made it more difficult for state/local jurisdictions to effectively implement the JJDPA.

Congressional response to date...

S 678 addresses the concerns about funding by calling for:

- Authorization of \$196.7 m. in Title II Formula Funds in the first year of enactment with step-ups of \$49,200 each year thereafter, as compared with the \$75-\$80 m. appropriated in recent years.
- Adds \$80 m. for new incentive grants to augment Title II and assist states with evidence-based efforts in mental health/substance abuse screening, assessment, treatment and diversion for court-involved youth, and related workforce development.

Congressional response to date...

- S 678 adds “improvement grants” to redirect back to states any funds with-held for noncompliance, based on an OJJDP-approved corrective action plan.
- Authorizes \$272.2 m. in Title V delinquency prevention grants, including mentoring, with step-ups of \$50,600 each year thereafter, as compared with the approx. \$140-\$150 m. appropriated for these purposes (including mentoring) in recent years.
- In addition, Senate champions are seeking to separately authorize and fund Title V and the set-asides that have been within Title V (EUDL, TYP). The set-asides have usurped nearly 95% of the funds designated for Title V purposes.

Key JJDPa reauthorization areas identified for change and leadership...

Update and Strengthen Jail Removal and Separation Core Requirements

- Take into consideration how transfer to adult/criminal court impacts removal/separation requirements.
- Reduce danger of assault, coercion, suicide for youth under age 18 charged in criminal court and housed in adult prisons/jails.
- Ensure that juveniles, charged in criminal, can be held in extended juvenile jurisdiction as allowable by state law when found to be prudent by the court.

Congressional response to date...

- S 678 seeks to extend core requirements for Jail Removal and Separation to “juveniles” awaiting adjudication/trial in criminal court.
- S 678 defines “adult inmate” to allow states/courts to retain youth charged in criminal court, or with blended sentences, within extended juvenile jurisdiction without violating JJCPA compliance.

Key JJDPA reauthorization areas identified for change and leadership...

Update and Strengthen Requirement for Deinstitutionalization of Status Offenders

- Prevent overly-broad use of, or perhaps remove altogether, the Valid Court Order exception that allows detention orders of non-delinquent youth/status offenders.
- Prohibit the detention of children who are under custody of child protection/child welfare agencies.
- Place limits on lengths of locked confinementsecure detention for status offenders.

Congressional response to date...

- S 678 incorporates an amendment from Senators Cardin, Biden and Whitehouse to require states to phase-out the use of the Valid Court Order exception to DSO, within three years.
- A hardship exemption is included for states striving to comply, but who may need more time.
- In the meanwhile, S 678 places a 7-day limit on the length of stay in locked confinement for status offenders.
- Senate also reauthorized the Runaway and Homeless Youth Act (previously Title III of the JJDPa) to provide for more care options for status offenders; has yet to be fully funded.

Key JJDPA reauthorization areas identified for change and leadership...

Greatly strengthen the Disproportionate Minority Contact requirement

- Create clear definitions for compliance vs. non-compliance, and ask states to define and achieve specific performance measures/metrics.
- Provide language specific to states with large populations of youth of color, including ethnic/racial sub-populations.
- Stimulate and support innovations aimed at system changes and evaluation of such approaches.

Congressional response to date...

S 678 asks states to develop data driven and community-connected DMC efforts:

- DMC data collection and analyses to more comprehensively pinpoint disparities, in keeping with the Relative Rate Index and current efforts.
- A plan which includes state-defined measurable reductions/outcomes to reduce racial/ethnic disparities as revealed in the data analyses.
- Involvement of state and local coordinating bodies, particularly stakeholders in communities of color.

Key JJDPA reauthorization areas identified for change and leadership...

Increase resources to assist and support implementation of the JJDPA in the states:

- Promote research and evaluation of programs that positively impact well being, recidivism and other measures.
- Restore and expand in-person training and technical assistance provided to states and localities to assist in effective implementation of the JJDPA; restore content expertise to training and TA functions; drawing on the best of the field.

Congressional response to date...

S 678 compels and requires OJJDP to conduct/contract research and training/TA in key areas, including:

- **Successful efforts to serve status offenders outside of detention/corrections;**
- **Efforts to eliminate use of restraint, isolation and other dangerous practices in confinement;**
- **To establish and effectuate a national recidivism measure;**
- **To improve services and support to meet the needs of girls;**
- **To improve re-entry and reintegration efforts;**
- **To increase and improve services for disabled and special needs youth in the juvenile court system.**

Key JJDPa reauthorization areas identified for change and leadership...

Greater emphasis on alternatives to detention

- Provide for more safe and effective alternatives to locked detention for youth who are young, nonviolent and first-time offenders, awaiting court procedures.
- Increase support for family-connected and community based alternatives for detention for arrested youth who would otherwise be locked up awaiting a hearing.

Congressional response to date...

S 678 amplifies the emphasis on alternatives to detention under the Title II program:

- **Asks states to provide alternatives to detention, including diversion to home-based/community-based services or treatment for those youth in need of services for mental health, substance abuse or co-occurring disorder needs when such youth first come into contact with the juvenile justice system;**
- **Reduce the number of children housed in secure detention and corrections facilities awaiting residential treatment placements.**

Key JJDPA reauthorization areas identified for change and leadership...

Use technology to its fullest advantage to increase transparency and oversight to ensure:

- Open public/state notice, comment and review when OJJDP drafts new rules and/or regulations for the states and when OJJDP charters new committees/advisory groups.
- Public access to State JJDP Three-Year Plans, including progress, compliance status of states, model programs, expenditures, etc.

Congressional response to date...

- S 678 specifically cites adherence to the Administrative Procedures Act of 1946 in all rule making; calls on OJJDP to update the implementation regulations for the JJDPA.
- S 678 also compels OJJDP to release and make publicly available the State JJDPA Plans, and compliance determinations, once finalized.

Key JJDPA reauthorization areas identified for change and leadership...

- Ensure due process and effective assistance of counsel for juveniles at all points of contact with the court; expand and strengthen indigent defense.

Congressional Response to date:

- S 678 adds to the Title II program a new provision to “expand access to publicly supported, court-appointed legal counsel” and efforts to enhance capacity for the competent representation of every child.
- S 678 also calls on the Administrator to “develop and issue standards of practice for attorneys representing children, and to ensure that the standards are regularly updated.”

Key JJDPA reauthorization areas identified for change and leadership...

- Again provide the State Advisory Groups with the “voice” once held by their independent organization, operating outside of the legislative and executive branches, to inform policy and practice, and to partner with OJJDP on training, conferences and best practice information-sharing.

Congressional Response to date:

- S 678 clarifies the 5 specific advisory and training functions given to an “organization of State Advisory Groups” within JJDPA as distinct from any other committees/contracts established by the OJJDP Administrator.

New opportunities

- **New dynamics in the Congress and the White House; new interagency collaborations.**
- **New developments in research and data.**
- **New understandings of racial and ethnic disparities in related fields such as education, child welfare, healthcare, etc.**
- **New emphasis on federal domestic policy.**

We're at the beginning of the journey toward reauthorization



“We the People”
THE CONSTITUTION
In May 1787, forty-two delegates from twelve states (and refused to participate) converged in Philadelphia to hammer out a constitution for a new government. For four months in sweltering summer, the delegates clashed and eventually agreed to achieve the goal of a new government.

Stay informed

- Regular bill updates may be found at the Library of Congress on-line legislative information center, “THOMAS:”
<http://thomas.loc.gov/>
- Stay informed of federal progress by signing up for CJJ’s online newsletter/government relations alerts:
info@juvjustice.org and by becoming a “fan” of the Act-4-JJ Campaign on *Facebook* or joining the Act-4-JJ list-serve:
www.act4jj.org

Many thanks!

Please feel free to call on CJJ for information:

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