



Juvenile Justice and Delinquency Prevention Act

ACTION

Support legislation to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act (JJDP), the major federal law overseeing the juvenile justice system.

Reauthorization of JJDP should

- increase the availability of residential treatment and other community-based alternatives to meet the rehabilitative needs of adjudicated youth;
- expand child abuse and neglect prevention and youth development activities to prevent juvenile delinquency;
- retain all JJDP mandates (deinstitutionalization of status offenders and nonoffenders, jail and lock-up removal, sight and sound separation, and disproportionate confinement of minority youth); and
- preserve juvenile court judges' roles in all decisions regarding whether to try young people in adult courts, and oppose requirements that would automatically transfer juvenile cases to adult courts.

HISTORY

Legislation considered in Congress over the past six years to reauthorize JJDP would weaken the federal and state juvenile justice systems, including the mandates, encourage the transfer of more teens to adult courts and prisons, and shift prevention resources to prosecution and building prisons. Meanwhile, promising programs and those proven effective at preventing juvenile delinquency continue to struggle for funds and are only able to provide services to a small fraction of children and families.

An alternative proposal has been introduced this year by Senate Minority Leader Tom Daschle (D-SD) as part of the Protecting Civil Rights for All Americans Act (S.19). This bill contains provisions to strengthen delinquency prevention efforts in the areas of afterschool programs, truancy, and mentoring.

JJDP contains four custody-related mandates:

- "Deinstitutionalization of status offenders and nonoffenders" specifies that juveniles charged with acts that would not be crimes for adults "shall not be placed in secure detention facilities or secure correctional facilities."
- "Jail and lockup removal" specifies that juveniles charged with criminal acts (delinquents) "shall not be detained or confined in any institution in which they have contact with adult [inmates]."
- "Separation" provides that juveniles shall not be detained or confined in any institution in which they have contact with adult offenders.
- "Disproportionate confinement of minority youth" requires each state to determine the extent of the problem in that state and demonstrate efforts to reduce it where it exists.

In addition to these mandates, JJDP assists state and local governments and private nonprofit agencies in supporting and initiating programs that prevent and treat juvenile delinquency. The law provides grants to states and local communities to develop effective education, training, research, prevention, diversion, treatment, and rehabilitation programs to improve the juvenile justice system and to prevent juvenile delinquency.

Funds are allocated to states according to a formula based on the state population under age 18. The FY 2001 appropriation level for Juvenile Justice and Delinquency Prevention Act State Formula Grants (Part B) and Discretionary Grants (Part C) is \$139 million. The Title V delinquency prevention grants are funded at \$95 million; more than half of those funds, however, are reserved for a safe school initiative, tribal youth programs, and enforcement of underage drinking laws.

KEY FACTS

Major change is needed in the delivery of services to children and youth at high risk of juvenile crime. The juvenile justice system is overworked and underfunded—it needs appropriate resources to rehabilitate young people. Rather than sending more young people to the adult criminal justice system, which lacks age-appropriate services for youth, the focus must be on meeting the needs of youth and strengthening the system of supports available to young people.

- According to the FBI Uniform Crime Reports, between 1993 and 1998, juvenile homicides fell 56%, violent youth crime dropped 37%, and overall youth crime declined 14%.¹
- Youth under age 13 account for 0.1% of America's homicides—just 15 out of 11,786 homicides in 1998. Homicides by youth under 13 were at the second lowest point in 1998 since the government began collecting that statistic in 1965.²
- By 1999, at least 41 states had made it easier to try young offenders as adults; 25 states and the District of Columbia had no minimum age for trying young offenders as adults. Nationally, 200,000 minors entered the adult criminal court last year.³
- Youth tried as adults were rearrested twice as quickly and a third more frequently as were youth with similar backgrounds and offenses who were retained in the juvenile justice system. Of those who committed new crimes, youth previously tried as adults committed serious crimes at double the rate of those sent to juvenile court.⁴
- Youth housed with adults are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50% more likely to be assaulted with a weapon than are youth housed with other juveniles.⁵ Research shows that youth housed in adult institutions are 7.7 times more likely to commit suicide than are youth housed in juvenile facilities.⁶

SOURCES

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2. Ibid.
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4. Bishop, D.M., & Frazier, C.E. (1999). Transfers of juveniles to criminal court: A case study and analysis of prosecutorial discretion. *The Notre Dame Journal of Law, Ethics, and Public Policy*, 5, 281–302.
5. Fagan, J., Forst, M., & Viona, T.S. (1989). Youth in prison and training schools: Perception and the consequences of the treatment dichotomy. *Juvenile and Family Court*, 40, 9.
6. Flaherty, M.G. (1980). *An assessment of the national incidences of juvenile suicides in adult jails, lockups and juvenile detention centers*. Urbana-Champaign: University of Illinois.

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