

# Juvenile Justice and Delinquency Prevention Act

20  
02



Child Welfare  
League of America  
202/638-2952  
Fax 202/638-4004  
[www.cwla.org](http://www.cwla.org)

## ACTION

- Support the Childrens Confinement Conditions Improvement Act (S. 1174), which would reauthorize and improve the Juvenile Justice and Delinquency Prevention Act (JJDP), the major federal law overseeing the juvenile justice system.
- Improve S. 1174 by increasing funding for Title V local delinquency prevention grants and adding provisions to authorize the Juvenile Accountability Incentive Block Grant, which would increase the availability of residential treatment and other community-based alternatives to meet the rehabilitative needs of adjudicated youth.

## HISTORY

Legislation considered in Congress over recent years to reauthorize JJDP would have weakened the federal and state juvenile justice systems, encouraged the transfer of more teens to adult courts and prisons, and shifted 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 fraction of children and families who need them.

Senators Patrick Leahy (D-VT), Orrin Hatch (R-UT), and Edward Kennedy (D-MA) introduced the Childrens Confinement Conditions Improvement Act (S. 1174) in the Senate in 2001. S. 1174 retains all JJDP 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 may not have any type of contact with adult offenders in confinement, including both sight and sound contact.
- “Disproportionate confinement of minority youth” requires each state to determine the extent of the problem in that state and demonstrate efforts to reduce it.

JJDP also 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 prevent juvenile delinquency.

Funds are allocated to states according to a formula based on the state population under age 18. The FY 2002 funding for JJDP State Formula Grants (Part B) and Discretionary Grants (Part C) is \$147.3 million. The Title V delinquency prevention grants are funded at \$94.3 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. Overworked and underfunded, the juvenile justice system 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 1999, juvenile homicides fell 68%, violent youth crime dropped 37%, and overall youth crime declined 14%.<sup>1</sup> The number of juvenile arrests declined in every violent crime category despite an 8% growth in the juvenile population from 1993 to 1999.<sup>2</sup>
- Since 1992, 45 states have passed or amended legislation making it easier to prosecute juveniles as adults. The result is that the number of youth under 18 confined in adult prisons has more than doubled in the past decade.<sup>3</sup>
- 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.<sup>4</sup>
- 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.<sup>5</sup>

## SOURCES

---

1. U.S. Department of Justice, Federal Bureau of Investigation. (2000, 1994). Crime in the United States: 1999, 1993. Washington, DC: Authors. Calculations by Justice Policy Institute.
2. Ibid.
3. Austin, J.; Johnson, K.; & Gregoriou, M. (2000). Juveniles in adult prisons and jails. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
4. Bishop, D.M., & Frazier, C.E. (1999). Transfers of juveniles to criminal court: A case study and analysis of prosecutorial discretion. 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.

## CWLA CONTACT

---

Tim Briceland-Betts  
202/942-0256  
bricebet@cwla.org



**CHILD WELFARE LEAGUE OF AMERICA**

Headquarters

440 First Street NW, Third Floor  
Washington DC 20001-2085

202/638-2952 • Fax 202/638-4004 • [www.cwla.org](http://www.cwla.org)