

# Reauthorize the Juvenile Justice and Delinquency Prevention Act



## **What is the Juvenile Justice and Delinquency Prevention Act (JJDP)?**

The Juvenile Justice and Delinquency Prevention (JJDP), first enacted in 1974, is the country's landmark federal legislation related to juvenile justice. JJDP was most recently reauthorized in 2002 with bipartisan support that recognizes the connection between child maltreatment and later delinquent behavior. JJDP is based on a broad consensus that children, youth, and families involved with the juvenile and criminal courts should be guarded by federal standards for care and custody, while also upholding the interest of community safety and the prevention of victimization. The JJDP creates a federal-state partnership for the administration of juvenile justice and delinquency prevention and is vital to protecting our children and young people. It establishes the Office of Juvenile Justice and Delinquency Prevention (OJJDP) as part of the Federal Department of Justice.

## **What are the core requirements of the JJDP?**

The JJDP also sets forth federal standards to ensure a minimum level of protection for youth who come into contact with the juvenile justice system. To be eligible for the funds provided under the JJDP, each state must comply with four core requirements:

1. Deinstitutionalization of status offenders (DSO);
2. Removal of juveniles from adult jails and lockups (Jail Removal);
3. Separation of juveniles from adult inmates; and
4. Addressing disproportionate minority contact (DMC).

## **Why was the Office of Juvenile Justice and Delinquency Prevention (OJJDP) established?**

The JJDP established OJJDP in order for the federal government to function as a responsive and responsible partner with all states under the JJDP, 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 solely with fulfilling this role.

### **What is the current level of funding for JJDP A?**

Federal support of key juvenile justice programs declined by more than 50 percent between FY 2002 and 2017. The March 2018 omnibus appropriation provided \$60 million for Title II of the Act, up from \$55 million in FY 2017. Title II 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 State Advisory Groups. The omnibus also provides \$27.5 million for Title V of the Act, which is one of the only federal programs specifically designed to prevent delinquency at the local level. Title V funding is up from \$17.5 million the previous year; however, that increase is partially due to new line items in the bill, including \$8 million to fund an opioid-affected youth initiative

### **What committees in the U.S. House of Representatives and U.S. Senate are involved in reauthorizing and funding the JJDP A?**

The Senate Judiciary Committee and the House Committee on Education and the Workforce are responsible for the reauthorization of the JJDP A. Annual funding and appropriations is determined by the House and Senate Subcommittees on Commerce, Justice, Science, and Related Agencies.

### **Where is the bill to reauthorize the JJDP A?**

In 2017, both the House and Senate introduced and passed bills to reauthorize and update the JJDP A. The bills contain several key differences which must be ironed out before a new JJDP A can become law. These differences include:

1. VCO Phase Out: The House bill (H. 1809) includes a three-year phase out of the Valid Court Order (VCO) exception. The a Valid Court Order currently enables judges to incarcerate young people for behaviors like skipping school and missing curfew if they were previously told by a judge to stop engaging in similar behavior. The Senate Bill (S. 860) would not phase out the VCO.
2. Title V: The House bill (H. 1809) would add new measures to Title V that aim to enable local communities to invest in gang prevention programs that were part of the Youth PROMISE Act. The Senate bill (S. 860) would continue Title V in its current state.

### **What should Congress do?**

We urge Congress to reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDP A) in 2018. It should include the phase-out of the VCO exception. We support additional increases in appropriations to build on the 2018 increases to address the shortfall of the past decade and a half and additional funds under the Department of Health and Human Services programs to assist runaway, homeless, and trafficked youth, and improves public safety outcomes.