



Reauthorization of the Juvenile Justice Delinquency Prevention Act

History of the JJDPA

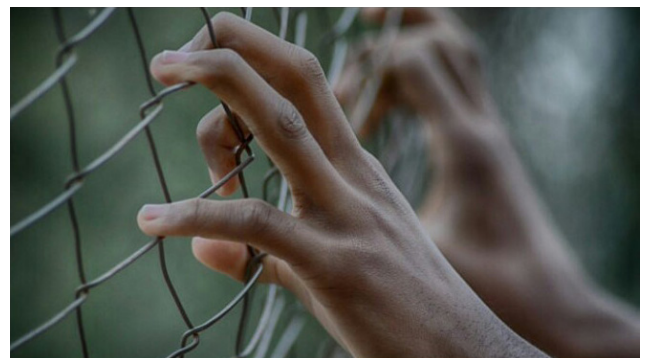
The Juvenile Justice and Delinquency Prevention Act (JJDPA) was signed into law by President Gerald Ford in 1974. Designed as a partnership between federal government and the states, territories and the District of Columbia, it was established to protect children and youth in the justice system, to effectively address high-risk and delinquent behavior, and to improve community safety. Specifically, the act required states and territories meet certain common standards for how youth are treated in the justice system. It did this by establishing two core protections:

•Deinstitutionalization of Status Offenders (DSO)

Status offenses are offenses that only apply to minors whose actions would not be considered offenses if they were adults. ¹ The most common are curfew violations, running away, truancy, and underage drinking. Although status offenders may not be held in secure detention or confinement, there are several exceptions to this rule, including allowing some status offenders to be detained for up to 24 hours. The DSO provision seeks to ensure that status offenders who have not committed a criminal offense are not held in secure juvenile facilities for extended periods of time or in secure adult facilities for any length of time. They are better served by receiving community-based services, such as day treatment or residential home treatment, counseling, mentoring, family support, and alternative education.

•"Sight and Sound" Separation

When children are placed in an adult jail or lock-up, "sight and sound" contact with adults is prohibited. This provision seeks to prevent children from psychological abuse and physical assault. Under "sight and sound," youth cannot be housed next to adult cells, share dining halls, recreations areas, or any other common spaces with adults, or be placed in any circumstances that could expose them to threats or abuse from adult offenders. ²



Two additional protections were added in subsequent reauthorizations:

•Adult Jail and Lock-Up Removal (Jail Removal)

Youth may not be detained in adult jails and lock-ups except for limited times before or after a court hearing (6 hours), in rural areas (24 hours plus weekends and holidays), or in unsafe travel conditions. This provision does not apply to

youth who are tried or convicted in adult criminal court of a felony level offense. This provision is designed to protect children from psychological abuse, physical assault, and isolation. Youth housed in adult jails and lock-ups have been found to be more likely to commit suicide, to be assaulted by staff, and to be attacked with a weapon than youth in juvenile facilities.³



•Disproportionate Minority Contact (DMC)

States are required to assess and address the disproportionate contact of youth of color at all points in the justice system. Studies indicate that youth of color receive tougher sentences and are more likely to be incarcerated than white youth for the same offenses. With youth of color making up one-third of the youth population, but two-thirds of youth in the juvenile justice system, this provision requires states to gather information and assess the reason for disproportionate minority contact.

A significant part of the success of the JJDP Act has been the research, evaluation, oversight, and technical assistance functions of Office of Juvenile Justice and Delinquency Prevention (OJJDP). "The JJDP Act remains one of the most successful standard-setting statutes at the federal level and at its heart recognizes the value of citizen-driven efforts to prevent and stem delinquency. It remains the landmark federal statute—and single most influential piece of federal legislation—providing four substantive safeguards (core protections) for youth who come into contact with the juvenile justice system."⁴

Changes in the 2018 Reauthorization

The Senate unanimously approved⁵ a five-year reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP Act), renamed the Charles Grassley Juvenile Justice and Delinquency Prevention Program, using a fast-track procedure that requires the support of every senator.

"Kids in our juvenile justice system need safety, fairness and treatment that encourages respect for the law," said Sen. Charles Grassley,⁶ one of the two co-sponsors of the Senate bill. "... Our bill includes important new accountability measures that protect taxpayer dollars and prevent states from being rewarded when failing to provide the minimum standard of protections for minors."⁷

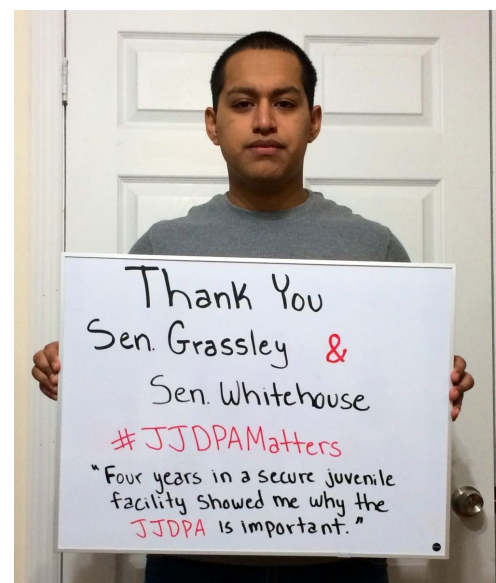
The reauthorized act, creates a new focus that is:

- Data-driven
- Evidence-based or promising prevention programs
- Adolescent development informed
- Engaging with families in service delivery
- Using community-based services to serve at-risk or system-involved youth
- Promoting evidence-based and trauma-informed programs and practices

The four core protections have been expanded upon accordingly.

• Racial and Ethnic Disparities

The Act changes the Disproportionate Minority Contact (DMC) requirement to focus on Racial and Ethnic Disparities. It not only requires that states collect and analyze data on racial and ethnic disparities, but also requires states to determine which points in the juvenile justice system create DMC. With that data, states must establish a plan to address DMC.



- **Sight and Sound/Jail Removal**

States are required to ensure sight and sound separation and jail removal for youth awaiting trial as adults no later than 3 years after the date of enactment. This protection previously applied only to youth being held on juvenile court charges. An exception continues to exist for cases where a court finds, after a hearing and in writing, that it is in the interest of justice.

- **Deinstitutionalization of Status Offenses**

Youth who are found in violation of a valid court order may be held in detention, for no longer than seven days, if the court finds that such detention is necessary. The court must enter an order containing the following:

1. Identify the valid court order that has been violated
2. Specify the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order
3. Include findings to support a determination that there is no appropriate, less restrictive alternative available to placing the status offender in such a facility, based on the best interest of the juvenile
4. Specify the length of time, not to exceed seven days that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility.



- **Runaway and Homeless Youth Act**

The JJDPA includes a two-year reauthorization of the Runaway and Homeless Youth Act. To pass the latest version of the bill, senators agreed to provide a two-year extension for the Runaway and Homeless Youth Act (RHYA), which had previously been a five-year extension. The RHYA provides federal funding for street outreach, temporary shelter, counseling and transitional housing for homeless youth.

- **Title V**

The Act was also amended to permit Youth PROMISE grants to be used by local policy boards to fund delinquency prevention programs, including but not limited to alcohol and substance abuse prevention or treatment services; tutoring and remedial education, especially in reading and mathematics; child and adolescent health and mental health services; and, leadership and youth development activities.⁸



The Reauthorization also:

- Encourages authorities to be more vigilant at screening children who might have been sexually trafficked or who suffer from mental illness or drug or alcohol abuse.
- Eliminates the use of restraints on pregnant girls housed in secure detention and correctional facilities.⁹
- Provides guidance on what reentry planning for juvenile offenders should look like.
- Improves conditions and educational services for incarcerated youth.
- Increases accountability.

Conclusion and Next Steps for Connecticut

The reauthorization of the JJDPA signals a deeper understanding about the factors that lead a youth into the juvenile justice system in our national and state leadership. While the core protections set up in the inaugural

bill and subsequent reauthorizations were well intended and remarkable given the time they were passed, the lack of reauthorization for the past 15 years, has left many gaps in juvenile justice reform in some states. “This has really been a hugely bipartisan effort,” Mistrett said. “It has been four years of both sides and both chambers figuring it out, and I feel like what they came up with was a really strong bill for kids.”¹⁰

Connecticut has been a leader in many aspects of improving the ways in which youth are processed, however there remains work to be done. A recent report from the Office of the Child Advocate on the conditions of confinement of incarcerated/detained youth sheds light on some of the areas in particular need of reform.

Through the Juvenile Justice Policy and Oversight Committee’s (JJPOC) work, research conducted by the University of New Haven and many committed stakeholders, our state is taking on the challenges that need to be addressed on behalf of our youth. The JJPOC has just put forth its fifth year of recommendations that is being considered for legislation in 2019. In addition, the JJPOC has published a three-year Strategic Plan “Achieving Positive Youth Outcomes for safer and healthier communities: A shared vision for Connecticut’s Juvenile Justice System” which provides a roadmap for continued reform.

Resources

You can find more information on the Reauthorization of the JJDPA at the following:

Coalition for Juvenile Justice

<http://www.juvjustice.org/juvenile-justice-and-delinquency-prevention-act/reauthorization-jjdpa>

ACT4 Juvenile Justice

<http://act4jj.org/resources>

Center for Juvenile Justice, Georgetown University

<https://cjjr.georgetown.edu/news/congress-passes-reauthorization-of-jjdpa/>

Juvenile Justice Information Exchange

<https://jjie.org/2018/12/13/jjdpa-reauthorization-passes-congress-after-16-years/>

Connect2Justice

<https://connect2justice.ncja.org/home>

Campaign for Youth Justice

<http://cfyj.org/news/cfyj-news-press-releases/item/congress-unanimously-passes-bipartisan-bill-to-strengthen-federal-juvenile-justice-law>

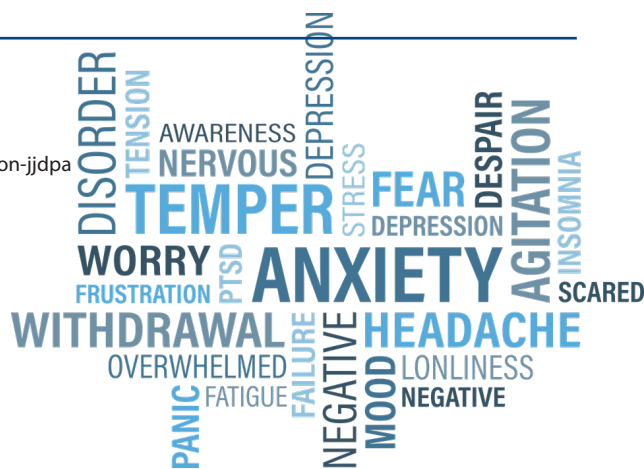
Committee on the Judiciary

<https://www.judiciary.senate.gov/press/rep/releases/12/12/2018/senate-passes-bipartisan-juvenile-justice-reauthorization>

Spark Action

<https://youtu.be/RbHFkw02b8w>

<https://sparkaction.org/content/congress-passes-bipartisan-jjdpa>



Footnotes:

1. Coalition for Juvenile Justice, Deinstitutionalization of Status Offenders Facts and Resources

2. ACT4 Juvenile Justice Fact Sheet: Jail Removal and Sight and Sound Core Protections

3. ACT4 Juvenile Justice, JJDPA Fact Book, Youth in Adult Prisons Fact Sheet

4. CJJ website

5. <https://www.strongnation.org/articles/789-members-applaud-reauthorization-of-juvenile-justice-and-delinquency-prevention-act>

6. <http://www.juvjustice.org/sites/default/files/resource-files/Summary%20of%20the%20Juvenile%20Justice%20Reform%20Act%20of%202018.pdf>

7. https://www.huffingtonpost.com/entry/juvenile-justice-bill-reauthorized_us_5c1059d4e4b084b082fdcae5

8. <https://jjie.org/2018/12/13/jjdpa-reauthorization-passes-congress-after-16-years/>

9. <https://nationalcrittenton.org/congress-passes-reauthorization-of-jjdpa/>; http://www.afterschoolalliance.org/afterschoolsnack/Congress-passes-juvenile-justice-reauthorization-includes_12-19-2018.cfm

10. <https://jjie.org/2018/12/13/jjdpa-reauthorization-passes-congress-after-16-years/>

The Tow Youth Justice Institute is a university, state and private partnership established to lead the way in juvenile justice reform through collaborative planning, training, research and advocacy.

Please visit our website at newhaven.edu/towyouth and follow us on social media @towyouth or call 203-932-7361 with questions or for more information.



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