



A CAMPAIGN OF THE JUVENILE JUSTICE & DELINQUENCY PREVENTION COALITION

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**Overview of S. 678 - The Juvenile Justice and Delinquency
Prevention Reauthorization Act of 2009
(As Introduced - 111th Congress)**

On March 24, 2009, Senators Leahy, Specter, Kohl, and Durbin introduced S. 678, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009.

S. 678 strengthens and updates the Juvenile Justice Delinquency and Prevention Act (JJDPA), which has provided States and localities with federal standards and supports for improving juvenile justice and delinquency prevention practices and contributed to safeguards for youth, families and communities for more than 30 years.

Below please find a brief summary of the bill (as introduced):

Core Requirements:

- Strengthens the Disproportionate Minority Contact (DMC) core requirement: Research has documented that youth of color are disproportionately over-represented and subject to more punitive sanctions than similarly-charged/situated white youth at all levels of the juvenile justice system. S. 678 gives clear direction to States and localities to plan and implement data-driven approaches to ensure fairness and reduce racial and ethnic disparities, to set measurable objectives for DMC reduction, and to publicly report such efforts.
- Improves the Jail Removal and Sight and Sound core requirements: Research shows youth confined in adult jails and lock-ups are more likely to re-offend upon release and while confined are at pronounced high risk of suffering assault and committing suicide. S. 678 extends the jail removal and sight and sound core requirements to keep youth awaiting trial in criminal court out of adult lock-ups and to ensure sight and sound separation in the limited circumstances where they are held in adult facilities. While the Coalition's recommendation is to remove all youth under age 18 from adult facilities and ensure sight and sound separation, S. 678 takes a good step in this direction.
- Allows States to continue to serve youth tried in adult court in juvenile facilities without jeopardizing federal funding: S. 678 would permit States to continue to house and rehabilitate youth convicted in adult court in juvenile facilities until they reach a State's extended juvenile jurisdiction age. Previous interpretation and application of the law penalized States for utilizing these more appropriate and humane placements for youth.
- Strengthens the deinstitutionalization of status offenders (DSO) core requirement: Under current law, nondelinquent status offenders, such as children who are truant, runaway or

violate curfew, alcohol and tobacco laws, may be held in juvenile lock-ups under the Valid Court Order (VCO) exception, which allows judges to issue detention orders. The practice persists despite evidence that securely detaining status offenders is harmful to pro-social development and is costly, especially when compared to more effective responses including shelter care, crisis counseling, family support, and/or community and school based interventions. S. 678 requires States that still permit the use of the exception to phase-out use of the VCO within three years, and allows States in need to apply for one-year hardship extensions through the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Until VCO elimination, S. 678 provides extra safeguards for status offenders in locked facilities, including limits on how long status offenders may be detained. The Coalition would like to see the status offender provisions become stronger in terms of limiting length of stay in detention, ensuring that the status offenders are not subject to repeat detention orders and that hardship exception to the phase-out period are limited.

Overall juvenile justice system improvements:

- Improves conditions of confinement in juvenile facilities: S. 678 calls for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Administrator to report annually on State data regarding the uses of isolation and restraints in juvenile detention and corrections facilities, and encourages training of facility staff to eliminate dangerous practices. S. 678 also calls for States to develop policies and procedures to eliminate the use of dangerous practices and unreasonable use of restraints and isolation, through the use of alternative behavior management techniques.
- Provides comprehensive services and supports for youth: S. 678 promotes alternatives to detention, improves screening, diversion, assessment, and treatment for mental health and substance abuse needs, enhances child welfare and juvenile justice system integration, supports effective assistance of juvenile counsel, and improves case management and transitional services for youth upon re-entry. We would like to see further emphasis placed on provision of services to girls.

Support for states:

- Increases States' ability to comply with the core requirements: S. 678 offers additional technical assistance to States and authorizes Improvement Grants to infuse funds and technical assistance to States seeks to regain compliance with one or more of the core requirements.
- Creates incentive grants: S. 678 creates a new incentive grant program for States that wish to employ empirically-sound prevention and intervention approaches and improve their work in the areas of workforce development, and diversion for youth with mental health and substance abuse needs. We would like to see even greater emphasis on use of evidence-based or promising approaches.
- Restores and strengthens the role of OJJDP: S. 678 provides guidance about specific research, technical assistance, and training efforts to be conducted in a manner that benefits States and communities, nationwide. The bill also includes important provisions to improve program and financial oversight and accountability at OJJDP, and restores the statutory authority given to a national association of State Advisory Groups.

Funding levels:

- Sets more appropriate authorization levels for Title II and Title V: S. 678 provides States with the resources needed to achieve and sustain compliance with the core requirements of the JJDPa and take meaningful steps to improve juvenile justice systems and prevent delinquency and violence. We are very pleased to see that the Senate has cited authorization levels in the legislation.

Preserves and guards the community-connected prevention, youth development and rehabilitation emphases of the JJDPa:

- Keeps the focus on prevention and intervention: S. 678 does not introduce unnecessary and punitive approaches to delinquency prevention and intervention. As the bill moves through the Judiciary Committee and to the floor of the Senate, we trust that Senate will do everything within their power to preserve the prevention focus of the JJDPa by guarding against any amendments that would link the JJDPa to provisions and/or other forms of federal legislation that introduce new federal categories of juvenile crime, new or enhanced federal penalties affecting juveniles, or incentives for States to advance new or enhanced penalties for juveniles.