



A CAMPAIGN OF THE JUVENILE JUSTICE & DELINQUENCY PREVENTION COALITION

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FACT SHEET: JAIL REMOVAL AND SIGHT & SOUND CORE PROTECTIONS

What is the JJDPA?

The Juvenile Justice and Delinquency Prevention Act (JJDPA), the major vehicle for juvenile justice reform at the federal level, was first passed in 1974 and most recently reauthorized in 2002.¹ The JJDPA embodies a partnership between the federal government and the U.S. states, territories and the District of Columbia to protect children and youth in the juvenile and criminal justice system, to effectively address high-risk and delinquent behavior, and to improve community safety.

It is the only federal law that sets out national standards for the custody and care of youth in the juvenile justice system, provides direction and support for state juvenile justice system improvements, and supports programs and practices that have significantly contributed to the reduction of juvenile crime and delinquency.

What are the current JJDPA jail removal and sight and sound separation core protections?

In order to be eligible for funds under the JJDPA, States must comply with four core protections including the Adult Jail and Lockup removal protection and the Sight and Sound Separation protection.

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¹⁷ **Jail removal core protection:** Currently protects youth who are under the jurisdiction of the juvenile justice system and prohibits these youth from being held in adult jails and lock-ups except in very limited circumstances, such as while waiting for transport to appropriate juvenile facilities.²

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¹⁷ **Sight and sound core protection:** In the very limited circumstances where youth are permitted to be placed in adult jails and lock-ups, the sight and sound core protection limits the contact these youth have with adult inmates.³

How should these protections be strengthened?

While these core protections have worked to keep most children out of adult jails for 40 years, the JJDPA's jail removal and sight and sound core protections do not apply to youth charged as adults. On any given night in America, approximately 6200 children are held in adult jails and prisons.⁴ Approximately 100,000 youth are admitted into local adult facilities and prisons each year.⁵

To close this loophole, Congress should amend the JJDPA to extend the jail removal and sight and sound protections of the Act to all youth, regardless of whether they are awaiting trial in juvenile or adult court. In the limited exceptions allowed under the JJDPA where youth can be held in adult facilities, they should have no sight or sound contact with adult inmates.

Why are these changes needed?

The original intent of the JJDPa was to recognize the unique needs of youth in the criminal justice system and establish a separate system to specifically address these needs. One of these unique needs for youth is protection from the dangers of adult jails. Another goal of the law is to prevent delinquency and reduce the likelihood that youth involved in the system will reoffend. Keeping juveniles out of adult facilities and the adult justice system serves these goals.

Placing youth in adult jails has dire consequences:

³⁵₁₇ Youth are in extreme danger when held in adult facilities. Jailers and Corrections officials are faced with a “no win” situation when youth are placed in adult facilities: they can't keep youth safe and segregating youth in isolation/solitary confinement creates a different, but equally harmful result.

³⁵₁₇ Youth who are held in adult facilities are at the greatest risk of sexual victimization. According to research by the Bureau of Justice Statistics, youth under the age of 18 represented 21 percent of all substantiated victims of inmate-on-inmate sexual violence in jails in 2005, and 13 percent in 2006 – surprisingly high since only one percent of jail inmates are juveniles. The National Prison Rape Elimination Commission found that “more than any other group of incarcerated persons, youth incarcerated with adults are probably at the highest risk for sexual abuse.”

³⁵₁₇ Many children are often placed in isolation which can produce harmful consequences, including death. Youth are frequently locked down 23 hours a day in small cells with no natural light. These conditions can cause anxiety, paranoia, and exacerbate existing mental disorders and put youth at risk of suicide. In fact, youth housed in adult jails are 36 times more likely to commit suicide than are youth housed in juvenile detention facilities.⁶

³⁵₁₇ Youth placed in adult jails are at great risk of physical assault. Over 75 percent of youth who have reported sexual victimization while detained reported experiencing physical force or threat of force. Over a quarter of the victims reported being injured in at least one of the incidents.⁷

³⁵₁₇ Youth have the highest suicide rates of all inmates in jails. Research has found that youth are 19 times more likely to commit suicide in jail than youth in the general population and five times more likely to commit suicide in an adult jail than in a juvenile detention facility.⁸

³⁵₁₇ Most youth are denied educational and rehabilitative services that are necessary for their stage in development when in adult facilities. A survey of adult facilities found that 40% of jails provided no educational services at all, only 11% provided special education services, and a mere 7% provided vocational training.⁹

³⁵₁₇ Youth sentenced as adults receive an adult criminal record. These youth are often denied employment and educational opportunities, and can be barred from receiving student financial aid.¹⁰

³⁵₁₇ Many children held in adult jails are ultimately transferred back to juvenile court or have their cases dismissed.¹¹ Yet, their experience in adult jail is likely to have long lasting negative consequences.

Sentencing youth as adults costs more and does not reduce crime:

³⁵₁₇ Research shows that young people who are kept in the juvenile justice system are less likely to re-offend than young people who are transferred into the adult system. According to the Centers for Disease Control and Prevention, youth who are transferred from the juvenile court system to the adult criminal system are approximately 34% more likely than youth retained in the juvenile court system to be re-arrested for violent or other crime.¹²

³⁵₁₇ Incarcerating young people in juvenile detention facilities costs between \$32,000 and \$65,000 per year.¹³ Operating just one bed over a twenty-year period can cost between \$1.25 million and \$1.5 million.¹⁴

³⁵₁₇ Alternatives to incarcerating youth not only reduce crime, but save money. Research has shown that every dollar spent on evidence-based programs [e.g., Multidimensional Treatment Foster Care (MTFC), Multisystemic Therapy (MST), and Functional Family Therapy (FFT)] can yield up to \$13 in cost savings.¹⁵

³⁵₁₇ Early interventions that prevent high-risk youth from engaging in repeat criminal offenses save taxpayer dollars. This can save the public nearly \$5.7 million in costs over a lifetime.¹⁶

Prepared by the Campaign for Youth Justice
www.campaignforyouthjustice.org

¹ The JJDPJA was most recently authorized by the 21st Century Department of Justice Appropriations Authorization Act through FY2007 (P.L. 107-273).

² 42 U.S.C. 5633(a)(13)

³ 42 U.S.C. 5633(a)(13)(A) and (B)

⁴ Minton, Todd D. (June 2013). *Jail inmates at Midyear 2013*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. E. Ann Carson and William J. Sabol (Dec. 2011). *Prisoners in 2011*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. ⁵ American Civil Liberties Union and Human Rights Watch. (October 2012). *Growing Up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States*.

⁶ Campaign for Youth Justice. *Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America*, Campaign for Youth Justice, p. 4, available at http://www.campaign4youthjustice.com/Downloads/NationalReportsArticles/CFYJ-Jailing_Juveniles_Report_2007-11-15.pdf. (November 2007).

⁷ Beck, Allen. *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-2012*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. (May 2013).

⁸ According to the Bureau of Justice Statistics, the suicide rate for youth in adult jails was 36 per 100,000 in 2014 (Noonan, Margaret E., "Mortality in Local Jails, 2000-2014 – Statistical Tables" (2016). Available at <https://www.bjs.gov/content/pub/pdf/mlj0014st.pdf>). The rate of suicides of juveniles in juvenile custody is about the same as the suicide rate of youth in the general population (Snyder, Howard N. "Is Suicide More Common Inside or Outside of Juvenile Facilities?" *Corrections Today* (February 2005) Available at http://www.ncjj.org/PDF/Howardpubs/Research_Notes_2_05.pdf); and according to the Centers for Disease Control and Prevention, the suicide rate for 16-17 year olds in the general population from 2000-2015 was 6.98 per 100,000 (Generated using the Web-based Injury Statistics Query and Reporting System (WISQARS) at <https://webappa.cdc.gov/sasweb/ncipc/mortrate.html>).⁹ Harlow, C.W. *Education and Correctional Populations*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. (January 2003).

¹⁰ Arya, Neelum. (2011). *State Trends: Legislative Victories from 2005 to 201: Removing Youth from the Adult Criminal Justice System*. Washington, DC: Campaign for Youth Justice.

¹¹ *Jailing Juveniles*, p. 4.

¹² Centers for Disease Control and Prevention. (2007) *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*. MMWR 2007; 56 (No. RR-9). Available online at <http://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>.

¹³ Juvenile Detention Alternatives Initiative, (2007). *Detention Reform Brief 1: Detention Reform: A Cost-Saving Approach*, Annie E. Casey Foundation, available at http://www.aecf.org/upload/PublicationFiles/jdai_facts1.pdf.

¹⁴ National Association of Counties, *Juvenile Detention Reform: Guide for County Officials*, available at <http://www.naic.org/Library/022376>. (February 2007).

¹⁵ Juvenile Detention Alternatives Initiative, (2007). Detention Reform Brief 1: Detention Reform: A Cost-Saving Approach, Annie E. Casey Foundation, available at http://www.aecf.org/upload/PublicationFiles/jdai_facts1.pdf.

¹⁶ Cohen, Mark A. and Piquero, Alex R., New Evidence on the Monetary Value of Saving a High Risk Youth, Vanderbilt Law and Economics Research Paper No. 08-07, available at SSRN: <http://ssrn.com/abstract=1077214>. (December 2007).